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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 325th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Uruguay

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GE.96-18407 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Uruguay (CRC/C/3/Add.37; HRI/CORE/1/Add.9; CRC/C/Q/URU.1)

1. At the invitation of the Chairperson, Mr. Bonasso, Mrs. Izquierdo, Mrs. Fernández, Mrs. Rivero and Mrs. Dupuy (Uruguay) took places at the Committee table.

2. Mrs. RIVERO (Uruguay) said that the members of her country's delegation were directly involved at the national level in all areas relating to children and would be able to give detailed replies to any questions the members of the Committee might have about the initial report (CRC/C/3/Add.37).

3. Traditionally, Uruguay accorded special protection to children, as the adoption of the Children's Code as long ago as 1934 showed. The best interests of the child were borne in mind in matters of legislation, administration and the law and, more recently, the Government had placed special emphasis on the coordination of social policies designed to remedy the situation of children in particularly difficult circumstances. The Committee's suggestions would be of real value in the further pursuit of that undertaking.

4. Mr. BONASSO (Uruguay), introducing his country's initial report, said that, since the return of democracy to Uruguay in 1984, substantial advances had been made in many aspects of the rights of the child, as exemplified by Uruguay's ratification of the Convention and its participation in the World Summit for Children convened by UNICEF. In other areas, however, work was only just beginning.

5. The demographic structure of Uruguay differed considerably from that of other countries of the region, resembling to some extent that of the developed countries, where a low birth rate meant that, instead of a pyramid with a large young population at the base, the configuration was more that of a square with roughly similar numbers of adults and children. The effect on the situation of children and young people was significant, especially with regard to budgetary allocations. The weight of the adult population, where decision-making power lay, influenced the budget for social expenditure on children. Children had no lobby, no right to vote, no opportunity to participate on terms of equality in fundamental decision-making. The process of sensitizing the population to children's rights in that regard was only just beginning. Fortunately, since the restoration of democracy, the country had had the benefit of international cooperation, both technical and financial, through its association with UNICEF. UNICEF's leadership had been very valuable in terms of creating social awareness and mobilizing capacity to act. Its cooperation had had a multiplier effect in both the public and the private sectors.

6. The country's attention had had to be drawn to the fact that conditions among some sectors of the population, once used to a considerable degree of State protection, had started to deteriorate and that it was important to intervene before it was too late, in education in particular. At one time,

Uruguay had been renowned for its very low illiteracy rate, barely 1 per cent. As far as early education was concerned, however, coverage had never been adequate. UNICEF had started an early childhood development programme which paid integrated attention to women, children and the family and affected a sector in which there had been no advances since compulsory education had been extended from six to nine years, making the first, second and third years of secondary education obligatory. The programme of preschool education proposed and created by UNICEF had been supported by it for several years. In the 1995 national budget, however, the State with strong support from the private sector, had formally assumed responsibility for the programme. Such support was important in a country where the non-governmental sector had been less strong than in other countries of the region.

7. Family life deteriorated when basic needs could not be satisfied. Children starting primary school showed signs of poor nutrition and lack of stimulus that could be remedied only by a strong preschool programme. A better level of care was needed for the age group most at risk. At the same time, worrying drop-out rates in secondary schools and increasing numbers of class repetitions were signs that adolescents were another group at risk. Uruguay's demographic structure, the tradition of strong State intervention and the weakness of the NGO sector all combined to make it less able to meet the needs of children and adolescents.

8. In the last five years however, progress had been made in several areas. The executive, legislative and judicial branches had made progress in incorporating the new philosophy contained in the Convention into their procedures. The administrative body traditionally concerned with the protection of children, the Children's Council, had seen its title changed by law in 1988 to the "National Minors' Institute". From the point of view of independence, that was a great advance. From being a department of the Ministry of Education and Culture, it had become a decentralized service with considerable decision-making autonomy and its own budget. In one sense, however, the change was a pity, since the original Children's Council had arisen out of the pioneering 1934 Children's Code. There was a movement afoot to propose to Parliament that the Institute's name should be changed again and that it should be called the "National Children's Institute"

9. At the same time, the Government had decided to set up a commission to reform the 1934 Children's Code. A draft prepared by the Commission had been referred to Parliament in 1994, but had not been dealt with. Elections had been held in November of that year and a new Government had been inaugurated. A new reform commission had been set up, which had produced a new draft Code for children and adolescents, a copy of which he could produce if required, and that new draft had recently been submitted to the Executive. He hoped that, after some of its aspects had been studied by more technical bodies, the draft would go to Parliament for definitive adoption into law. In drafting the proposed new Code, the Commission had had the support of experts from UNICEF, and that meant that a very significant effort had been made to systematize national legislation and bring it into line with the spirit of the Convention. Also in cooperation with UNICEF, arrangements had been made to ensure that the spirit of the Convention became part of the training curriculum in the entire area of juvenile justice. Two other parliamentary commissions, the Commission on Human Rights and the Commission on Education

and Culture, had been involved in the work on the new draft Code and, as the head of the National Minors' Institute, he had been invited to appear before them. The Institute had also been invited to provide information and participate in the discussions on the national budget.

10. The CHAIRPERSON invited the members of the Committee to take up the section of the list of issues (CRC/C/Q/URU/1) entitled "General measures of implementation".

11. Mrs. SARDENBERG said that the purpose of the dialogue with the delegation was to obtain a clearer picture of the situation in Uruguay with regard to the implementation of the Convention. She welcomed Uruguay's determination to give priority to putting the Convention into effect. The installation of the new Government offered new possibilities of investigation and dialogue and the adoption of new measures.

12. As far as the report itself was concerned, she regretted Uruguay's failure to follow the general reporting guidelines. Grouping the articles as suggested in the guidelines could give a more global and dynamic view of the overall situation. She hoped that the dialogue would provide a more complete picture than the fragmentary article-by-article approach taken in the report. There were nevertheless some positive aspects: notice had been given of the intention to make improvements in certain areas where the need for greater efforts by the Government was recognized. On the whole, however, the report tended to focus on legislation rather than actual data. It said little about problems actually being dealt with by the Government and gave the impression of a lack of action in certain areas.

13. It had been suggested that one problem was that, because of the demographic structure of Uruguay, there was no lobby for children. The weakening of civil society after years of dictatorship was a difficulty common to many countries in Latin America. In that connection, she asked what role the Government envisaged for cooperation with NGOs in work to implement the Convention. She had the impression that they were not widely consulted. Were other sectors of society, professional organizations, teachers, police and social workers given an opportunity to participate in the formulation of public policies for children? If not, what did the Government intend to do in order to incorporate them and bring the new ideas embodied in the Convention into effect. What body would be the focal point for children and who in fact had the last word in decisions relating to them? She understood very well that the proposed change in the name of the National Minors' Institute was important. The term "minor" tended to be associated with problems with the law, conveying an image of the child as a threat to society. A National Children's Institute promised a much more positive focus for Government policy.

14. Mrs. SANTOS PAIS said there were positive factors in Uruguay's situation which should facilitate the implementation of the Convention. A number of treaties ratified by Uruguay had been incorporated into domestic law and could thus be directly applied. Cases involving human rights violations could be tried by the civil courts and remedies such as habeas corpus and amparo were provided for. The setting up of a commission to revise the Children's Code was to be commended, although she regretted that the new draft Code had not

yet become law and urged that it should be adopted as quickly as possible. She welcomed the efforts currently being made to establish an ombudsman to deal with complaints from adults and children alike and would be glad to hear of progress achieved in that regard.

15. On the other hand, she regretted that the report had not followed the Committee's guidelines in that it had not been prepared on the basis of an integrated approach to the rights of the child and did not reflect the actual daily life of children in the country. The guidelines were important because they could help States assess their policies in respect of children, and make changes where needed. She also regretted that the report was for the most part merely descriptive and made no attempt to evaluate the actual situation.

16. The State party's written replies gave the impression that the Government's main concern was to define social policies in general rather than social policies for children in particular. She was not sure whether, if there was conflict between a convention and domestic law, which of the two would prevail. In discussions before other human rights treaty bodies, Uruguay had stated that the Children's Code was often ignored in practice; that was a point that needed to be discussed. She would also like to know why, if the Convention was now law in Uruguay, practices permitted under earlier legislation still prevailed, such as discrimination against children born out of wedlock.

17. If children were demographically in a minority in Uruguay, it should logically be easier to solve their problems, but studies had shown that the majority of children under 14 lived in poor areas and could not satisfy basic needs, while nearly 40 per cent of children below five years of age lived in the poorest areas. Why could not the budget be adjusted so that priority could be given to the least protected and least advantaged groups? Why was there no systematic policy for the training of teachers, social workers and police in their obligations under the Convention with a view to bringing about the necessary changes in attitude?

18. Mr. HAMMARBERG said that, according to the indicators, particularly those relating to education, Uruguay should be one of the best equipped countries in the world to ensure the protection of children. The literacy rate for women, for instance, was even higher than that for men and GNP was high. One difficulty was that the ratio of those in work to those receiving benefits was not ideal so that a number of special measures were required to ensure that the budget was funded. More important, however, was the growing gap between the upper and middle classes and the poor, which, because the birth rate among the poor was high, created difficulties for a welfare State which had funding problems.

19. One approach was to invest more in measures of support, such as education and social welfare, for the population in general and another was to target the poorest groups specifically. The latter approach ran the risk of creating a "charity" society, with a humiliating relationship between benefactor and recipient and also had the disadvantage that a bureaucracy would have to be created to administer it.

20. As had been pointed out in the Committee's guidelines, States should not view the Convention one dimensionally, article by article, but as a whole. It was important to ensure that the voice of the younger generation could be heard in matters affecting children, since it seemed that political and administrative decisions in Uruguay tended to be taken by older men and that women and young people had very little influence. Since Uruguay did not have a very active non-governmental community, there was need for some kind of official monitoring system of an independent nature, such as an ombudsman. The approach should have been to collect data not only on children in general, but also on groups of children suffering from specific problems, such as street children, as well as on the various factors relating to their situation so that the whole issue could be studied in depth. He did not see much evidence of that approach in the report.

21. Mrs. BADRAN said the report contained very little in the way of analysis or explanation. It would be interesting to know, for instance, why, when all the indicators showed that Uruguay's situation was economically and socially sound, it was the better educated rather than the more disadvantaged young people who were emigrating. It appeared from the figures given in the report that, while, on the one hand, women enjoyed excellent educational and health services, on the other, their general status was low and they were not regarded as equal to men. The rate of immunization against tetanus was very low for women, whereas the general immunization rate for children was very high. In rural areas, the figures for access to water supplies were very low, while those for access to sanitation were high, and that seemed to be a reversal of the usual situation. She wondered whether the figures quoted were reliable; perhaps the system of monitoring was at fault and needed to be reviewed.

22. Mrs. EUFEMIO, noting that the report had been drafted by the Human Rights Section of the Ministry of Foreign Affairs, asked what body had been responsible for carrying out the monitoring and evaluation on which it was based? The risk that the existence of a large population of elderly persons might mean that children were given lower priority should surely be taken into account by those responsible for the allocation of budgetary resources. Although children could not vote, it was to be hoped that their welfare would be of concern to decision makers.

23. As had already been pointed out, most of the indicators used in the report related to health, education and social security; she would have liked to see others included, such as family environment. There also seemed to be a lack of coordination in the way the statistics had been assembled and they did not seem to bear any relation to the various areas covered by the provisions of the Convention.

24. It had been stated that more than 50 per cent of central Government spending went on education, health and social security. She wondered how that compared with the spending of local authorities in those areas and how regional disparities were overcome in the allocation of budgetary resources. Lastly, she would appreciate clarification concerning the process whereby programmes were defined on the basis of indicators.

25. Mrs. KARP said she too was confused by the apparent contradiction between Uruguay's positive indicators and its difficulties in solving the problems confronting it. A population of only 3 million could be defined as a positive indicator in the sense that the number of children to be provided for was not large, but there was nevertheless a marked discrepancy between Montevideo and rural areas in that regard.

26. It had been stated that the principle of the comprehensive protection of children had been enshrined in Uruguay's legislation for many years and that, as a result, it was natural that it should ratify the Convention. However, the Convention introduced a new concept, namely, that the child had its own rights and was entitled to participate in decisions affecting it; there was thus a need for a change in the way the child was perceived.

27. She noted from paragraphs 65 and 66 of the report that Uruguay had already spent some three years drafting a new Children's Code, but that it had not yet become law. What were the obstacles that prevented Parliament from approving the text of the new Code? Could the delegation give some examples of the kind of changes in social policies and programmes that were likely to be made in the future and what would be the status of those new policies and programmes? How was the new perception of the rights of the child being given practical effect and could the delegation cite cases in which children had been encouraged to seek remedies in the courts for violations of those rights? In practice, were children able to bring cases to court on their own and did they know enough about their rights to take part in their implementation? Had the Convention been sent to every school in the country and had any study been made on the success achieved in publicizing it, both in rural areas and in cities?

28. Lastly, she would like to know more about the content of the new strategy on children now being prepared in consultation with UNICEF and whether the Government had begun to implement it.

29. Miss MASON said that she too had been concerned by the lack of data in the report, although that had been corrected to some extent by the written replies to the questions in the list of issues. She would welcome information on the procedures employed in Uruguay for the collection and dissemination of data relating to the situation of children. Like other members of the Committee, she thought it unfortunate that the draft Children's Code had not yet been made law and hoped that news of its promulgation would soon reach the Committee. The references to that Code in the report had also been somewhat confusing, some implying that it was already in force and others that it was still a set of proposals.

30. Although the situation of children in Uruguay was generally positive, the fact that the child population was relatively small could lead to problems affecting children being overlooked and to a tendency to apply solutions applicable to adults to children, such as the reference in the report to enactment of a law permitting incarceration of children with adults.

31. How widespread was awareness of the concept of human rights among the general population in Uruguay? Had there been any general discussion at grass-roots level of the innovative principles introduced by the Convention,

such as the right of children to participate and express their views? Which children's rights were of most concern to Uruguayans in general? To what extent were children themselves involved in such discussions and in the activities of the various institutions established to defend the rights of the child?

32. Mrs. IZQUIERDO (Uruguay) said that the Department of Human Rights, which she headed within the Ministry of Foreign Affairs, had been the focal point for the preparation of the report. It had been assisted in that task by the Non-governmental Committee to Monitor the Convention on the Rights of the Child, which was composed of representatives of non-governmental organizations working with children in need. Public institutions had also been consulted to obtain the information required to draft the report. The report therefore represented a consensus of national views on the subject. Uruguay at the time had had a number of reports for a number of international treaty bodies concerned with human rights in arrears; the present report had been the first to be prepared in overcoming that backlog, and that might explain why it did not follow the guidelines fully. The Committee's comments would be taken into account in the preparation of future reports.

33. Mr. BONASSO (Uruguay), referring to the comment that the report had concentrated too much on legal aspects, had failed to give many examples of actual practice and was somewhat compartmentalized, said that his delegation would be happy to provide the Committee with any further information it required. The delegation had a large number of background documents that the Committee might find useful and would willingly make them available.

34. The direct participation of children in Uruguay in the discussion of their rights was not as extensive as it should be, perhaps for cultural reasons. The rights of the child was not a subject that had not yet had a very general overall impact on Uruguayan society. More work was required in that area. However, a campaign had been organized in 1995 in which children had been encouraged to write letters on the subject to the President; the contents of those letters had been analysed and the results published. A similar campaign in 1996 involved letters from children to the Parliament in relation to a bill in preparation. Various programmes involving both the public and the private sectors were under way which included direct participation by children. However, such action could and should be extended.

35. Mrs. FERNANDEZ (Uruguay) said there were two broad areas in which work was in progress on increasing understanding of children's rights in Uruguay. First, efforts were being made to give wide publicity to the subject, often with the assistance of UNICEF. An information campaign had been run on television and in other media, documentary material had been prepared and posters drawing attention to children's rights had been put up in schools throughout the country. Studies and surveys were currently being carried out with UNICEF's assistance to determine the degree of understanding of human rights that existed in Uruguay. Secondly, training courses had been arranged to promote understanding of the Convention. Such courses had, for example, been provided for judges concerned with the implementation of the Convention. Courses for journalists were also in preparation. Studies had been carried out on various issues relating to children in general and on more specific topics such as child prostitution, children in particularly difficult

circumstances, children at work and child abuse. The information gathered by such studies was appearing in both general and specialized publications for audiences such as schools and local authorities.

36. Mr. BONASSO (Uruguay), replying to Mrs. Sardenberg's question on the degree of coordination between the various bodies responsible for children's welfare, said that the 1934 Children's Code and the act establishing the National Minors' Institute (INAME) had made provision for departmental committees to be set up in each of the 19 departments into which Uruguay was administratively divided. Such committees were composed of persons well qualified for work in children's affairs both by virtue of political posts held or as a consequence of work in humanitarian and moral spheres. Parliament had also adopted an act in 1995 to establish a commission with the task of providing support to children in hazardous circumstances, membership of which included representatives of various ministries and non-governmental bodies. The work of the commission was, in addition, decentralized down to the departmental level, although provision was also made for such components to work together to ensure that policies relating to children were both comprehensive and integrated. A further act had been adopted in 1996, establishing a commission to provide support for deprived children whose duties would include the collection of information and statistics relating to the implementation of children's welfare policies. Records and statistics were generally well kept in Uruguay and provided reliable information. The commission was at present endeavouring to identify children who fell outside the welfare benefit net with a view to focusing policy on such children. When policies were being drawn up by INAME, efforts were made to give a voice to all parties concerned by inviting representatives of the public and private sectors to state their case.

37. It was significant that 70 per cent of coverage of the child and adolescent population for which the INAME was responsible - some 20,000 persons - was provided through agreement with the non-governmental sector. Uruguay had thus moved on in the 10 years since the re-introduction of democracy from a situation in which all activities were covered by the State. In addition to the three major institutions concerned with child welfare - the Inter-American Institute for children (a specialized agency of OAS), the Specialized Education Centre and INAME - 494 bodies had been identified in Uruguay as involved in working with children. Although only 57 per cent of them had signed any agreement with INAME, there were good grounds for looking forward to the achievement of useful results in future.

38. One area in which Uruguay would need to improve its performance was in the provision of care for particularly deprived or physically or mentally disabled children. Government efforts in that sphere were limited, but it was hoped that the increasing involvement of the private sector would help to intensify efforts to improve their quality of life.

39. Mrs. IZQUIERDO (Uruguay), replying to Mrs. Santos Pais' question about possible conflict between domestic and international law, said that, under the Uruguayan Constitution, international treaties were subject to review by Parliament and, once approved, were considered to have the status of domestic law. However, they continued to be regarded as important international instruments and as such were not subject to any derogation.

40. Mention had been made of the conflict between Uruguayan legislation on child labour, in which the minimum age was 14 years, and ILO Convention No. 138 concerning Minimum Age for Admission to Employment, which set the minimum age at 15. A bill currently before Parliament was designed to bring the domestic provisions into line with the international instrument without prejudice to the fact that, during school vacations, children aged 14 and above would be permitted to engage in paid employment under given circumstances and subject to certain conditions of supervision. UNICEF was currently helping Uruguay in the task of strengthening the legal process to ensure that domestic law was in keeping with international law in general.

41. Considerable attention was now being given to the Convention by the judiciary, which frequently referred to provisions of domestic law based on that instrument. For example, in cases where a minor had been charged with an offence, judicial rulings had ensured that the child was not subject to deprivation of liberty if that might place him at risk.

42. Mr. BONASSO (Uruguay) said that Uruguay was doing its utmost to guarantee the separation of powers and the independence of the judiciary. The Convention on the Rights of the Child had full legal status in ordinary law and the Government was committed to preventing the implementation of national legislation which had become obsolete as a result of the Convention's ratification. There might be a few cases in which judges implemented laws with slight variations, but the Executive did not interfere in such matters.

43. The CHAIRPERSON requested the Uruguayan delegation to explain the reasons for the disparity between Uruguay's economic and social indicators and the actual situation of children. She also wished to know how the Government allocated budget resources for the promotion of the rights of the child.

44. Mr. BONASSO (Uruguay) said that a substantial amount had been allocated to education and to the National Minors' Institute in the most recent budget. The National Minors' Institute had received approximately 40 per cent more than in the previous year and public education accounted for 20 per cent of the country's GDP.

45. It was enough for only one indicator, such as drinking water, housing or education, to be missing for a population group to be regarded as having "unsatisfied basic needs". In some cases, moreover, that indicator could be confused with the "poverty line" indicator, which related to the earnings of households. In recent years, however, there had been a remarkable improvement in Uruguay in the category measuring the total number of households with unsatisfied basic needs. Thus, from 1984 to 1994, the proportion of households with children aged 14 and under with unsatisfied basic needs in Montevideo had dropped from 26.7 per cent to 17.3 per cent. In the rest of the country, during the same period, the number of such households had fallen from 42.1 per cent to 27.8 per cent.

46. There had also been improvements in respect of other indicators and the Government was working to guarantee the broadest possible access to education, particularly for four and five year-olds. In the public health sector, the

level of immunizations was high, but, as certain studies had shown, there were parts of Montevideo, in particular, where the level was far below the national average.

47. Mr. HAMMARBERG said that the message of the Convention was of paramount importance, particularly with regard to the integration of its principles and the process of implementation in policies adopted by States parties. Professionals working with children should thoroughly understand the implications of the Convention and should therefore be encouraged to study it in order to determine its relevance to their jobs. The depth of the training of the Uruguayan judiciary was impressive and it was hoped that a similar approach would be taken in the case of other professions, such as social work.

48. Although the Convention did not specifically refer to the desirable degree of privatization in its implementation, the task of solving social problems should not be assigned disproportionately to non-governmental organizations. The activities the Government regarded as its responsibility should be clearly defined, thus allowing NGOs to deal with others that they were qualified to handle.

49. In comparison with many countries, Uruguay's expenditure on social welfare was rather high. However, the size of vulnerable groups was growing. He urged the Government to focus on those groups and to take prompt action to deal with their problems. To that end, the establishment of effective monitoring systems, the development of relations with NGOs based on mutual respect and closer attention to public attitudes would prove beneficial.

50. Mrs. SARDENBERG said that, when a country's report was compartmentalized, the Committee had the impression that the implementation of the Convention was also compartmentalized and it was difficult to see whether a unified policy on children existed. Although many initiatives had been taken by the Uruguayan Government, there appeared to be no clear strategy for the implementation of policy based on the Convention. NGOs had tremendous potential for encouraging more in-depth discussion of the new Children's Code. Their ideas would be based on their first-hand knowledge of issues relating to children and would serve as a valuable platform from which to bring pressure to bear on the Executive and the Legislative branches for the speedy adoption of the new Code.

51. Referring to the issue of coordination, she asked whether the National Minors' Institute had an executive mandate to formulate policy or whether it was chiefly a monitoring body. She also wished to know how the Government maintained coordination between the capital and the interior in order to ensure the equitable distribution of resources throughout the country.

52. Mrs. SANTOS PAIS said that Governments bore primary responsibility for speaking and acting on behalf of the most vulnerable groups in society. It was therefore important for them to identify the changes that had been brought about at the national level and to determine how society used the Convention as an instrument for social change. Through the Convention, the Government of Uruguay could create a movement in support of children and their rights. The

Convention on the Rights of the Child had been the first to make it a clear-cut obligation of States to increase public awareness of and provide training programmes on its content.

53. The participation of NGOs was an important element of civil society, but their involvement should not be interpreted as an excuse for non-intervention by the State. The Government should ensure coordination among the various bodies it established in order to promote the development of effective policies.

54. The value of the Convention at the domestic level could not be overstated. There was an obligation for States to bring domestic legislation in line with the Convention. She therefore hoped that Uruguay would soon adopt the draft Children's Code in order to provide the necessary normative framework for conveying the message on the rights of the child to the public.

55. The indicators seemed to place emphasis on the overall situation in Uruguay instead of providing information on the specific situation of vulnerable groups. Statistics should be disaggregated in order to provide a true picture of the situation and help eliminate disparities.

56. Mrs. KARP said that the Committee was most interested in the way the innovative approach of the Convention influenced changes in attitudes towards children. She asked about the focal points in the discussion on the Children's Code and what obstacles the Uruguayan Government was encountering in bringing it into force? She also wished to know whether the Government had considered introducing the teaching of the Convention into school curricula.

57. Mrs. BADRAN said that, although Uruguay's statistics and indicators reflected good averages, it was clear that there were groups of persons who did not enjoy the same rights as the majority of the population. Special attention on the part of professionals, particularly social workers, was essential. The mandate and methodology of social work were ideally suited to mobilizing people to exercise their rights. She requested information on the system of social work in Uruguay, training possibilities, the prestige social workers enjoyed and the types of institutions in which they practised.

The meeting rose at 1.05 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 326th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 September 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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Initial report of Uruguay (continued)

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GE.96-18414 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Uruguay (continued) (HRI/CORE/1/Add.9; CRC/C/3/Add.37; CRC/C/Q/URU.1 (List of issues); written replies by the Uruguayan Government - document without symbol, English only)

1. At the invitation of the CHAIRPERSON, the members of the Uruguayan delegation resumed their place at the Committee table.

2. The CHAIRPERSON invited the members of the Uruguayan delegation to reply to the issues raised by the members of the Committee during the previous meeting.

3. Mr. BONASSO (Uruguay) noted that, since Uruguay was a small country with scant resources and surrounded by powerful neighbours, it was difficult to achieve economic equilibrium. The country's main asset was its human resources, which the Government was determined to preserve, particularly by promoting the development of children.

4. Mrs. FERNÁNDEZ (Uruguay) listed the various measures taken to implement the principles embodied in the Convention. She mentioned in particular the new cooperation programme between Uruguay and UNICEF centring on implementation of the Convention on the Rights of the Child, and the plan regarding family day-care centres, which was also supported by UNICEF. Such centres were administered by society at large through associations. Of particular importance were the activities of the first professional assistance service, an innovation that was designed to provide assistance to victims of domestic violence or abuse. Cooperation with UNICEF was being reprogrammed in order to ensure coverage of all aspects of the Convention. Proposals for action in all spheres, particularly the training of judges, assistance to street children, and also child prostitution, were submitted directly to the Commission responsible for drafting the new Children's Code. Work undertaken together with UNICEF was intended to lay the groundwork for a methodology for disseminating information about the Convention, for creating an information system to monitor measures taken in that context, and for implementing measures aimed at increasing public awareness. She gave a number of examples, which included parliamentary action on behalf of children, and a competition organized by the Supreme Court to ascertain children's opinion of the Convention, which demonstrated that action was in fact being taken at all levels.

5. Mr. BONASSO (Uruguay) acknowledged that dissemination of information about the Convention had not yet had the desired impact, but noted that projects were under way to incorporate teaching of the rights of the child into the curricula of national institutions and schools. He described how the system of child protection in Uruguay functioned and explained that, within central Government, the National Minors' Institute (INAME) enjoyed full decision-making and executive powers for protecting children experiencing moral or material neglect, preventing anti-social behaviour of minors and protecting disabled children, as well as for promoting children's physical and moral development. In addition, INAME had a labour inspection department

responsible for monitoring compliance with the relevant international commitments assumed by Uruguay, and for inspecting the working conditions of minors in enterprises. INAME was therefore the main body responsible for promoting the social integration of young people. He expressed strong support for non-profit-making organizations defending children's interests, and emphasized that never before had public funds been allocated to civil associations to be administered directly by them. The State's firm political will in that connection was further demonstrated by the existence of the "social cabinet" comprising ministers and representatives of the Supreme Court, and by the activities of the Social Policies Division of the Office of the Planning and Budget (OPP) which was responsible in particular for gathering information to serve as a basis for drafting programmes. In addition, the child protection system emphasized a number of priorities, particularly in respect of infancy, primary education and children's clubs. Uruguay's 120 family day-care centres (CAIF), located throughout the country, catered to 7,300 underprivileged children between the ages of two and five.

6. He added that, in keeping with the Convention, INAME's policy genuinely sought to make imprisonment and placement in an institution a measure of last resort. In addition, all children monitored by INAME should be able to become integrated in society through personalized, flexible and outward-looking education. INAME also had a training school for all officials dealing with minors. It also cooperated with UNICEF and university circles in publicizing its activities through inter-active programmes, which were reported in the media. Moreover, the most recent budget legislation required television channels to broadcast, at prime times, campaigns launched by INAME and other bodies to promote the rights of the child.

7. Mrs. IZQUIERDO (Uruguay) stated that although Uruguayan institutions did not provide for the post of ombudsman, two projects had been submitted for introduction of an ombudsman system - one by the Vice-President to the Chamber of Representatives and the other by local authorities. The idea was to create an arrangement that facilitated access to mediation procedures for all segments of the population, particularly for the elderly and children.

8. Mr. BONASSO (Uruguay) said that the obstacles to the adoption of a new Children's Code lay with the Uruguayans themselves. The fact that Uruguayan society was highly politicized sometimes hampered the decision-making process, and explained the delay in approving the draft submitted in 1994. Although it was certainly desirable that more prompt and effective child protection procedures should be established, no consensus had yet been reached on that point. However, the Government was working with the judiciary to speed up reforms intended, specifically, to make abandoned children the responsibility of an appropriate administrative body and prohibit legal proceedings against children of under 12 years of age. He acknowledged that the situation regarding the matter of informing children of their rights was not yet ideal, particularly on account of persisting cultural or historical obstacles, but said that specific measures were already being taken to ensure that children were able fully to exercise their rights.

9. Mrs. FERNANDEZ (Uruguay) reverted to the matter of NGO participation to emphasize that there were family day-care centres (CAIF) throughout the country, thereby ensuring direct access to disadvantaged persons. That was an important arrangement in that it promoted decentralization and contacts with society at large.

10. Mr. BONASSO (Uruguay) said the fact that the State was working with society in providing assistance to children did not mean that it was shirking its responsibilities. He added that the recently-created family day-care centres were allocated their own budgets by the State and were responsible for their administration. The National Minors' Institute (INAMA) for example, had a budget of US$ 80 million, which was larger than that of the Office of the President of the Republic, the diplomatic service or the legislature. The family day-care centres received support from the Ministry of Public Health and the national food Institute, which was subordinate to the Ministry of Labour and Social Security and implemented prevention-oriented food aid programmes. In order to qualify for food aid, for example, pregnant women were required to furnish proof that they were having medical check-ups. Consequently, more women were getting pre-natal check-ups and the number of underweight newborn babies was declining. The centres were funded by the National Minors' Institute, but also received assistance from the National Women's Institute and the National State Education Authority.

11. The law adopted in 1995 under which offenders below the age of 18 should be separated from adults in detention centres had not been applied in practice. Under that law, the National Minors' Institute was required to inform the Supreme Court of Justice whether it was in a position to place young offenders. The Institute had premises and workshops for teaching such persons a trade, and all possible steps were taken to prevent the incarceration of young offenders with adults. Of the 20,000 young people for whom the Institute was responsible, 120 were in prison. That proportion had varied little over the previous 10 years. Moreover, since 1989, the Institute had had access to data in the possession of the Service for Information on Children that had been established in cooperation with the Inter-American Children's Institute.

12. Lastly, referring to the draft code that was to replace the Children's Code dating from 1934, he said that the political will of the State must prevail, regardless of changes of government.

13. The CHAIRPERSON thanked Mr. Bonasso for his detailed replies, emphasized the desirability of speeding up the process of adopting the draft children's code, and hoped that the Government would find the Committee's suggestions and observations useful in that connection. Dissemination of information about the Convention among children and adults must be a permanent process, which implied that the study of the instrument should be included in all school, university and vocational training programmes, and that the Convention itself should be brought to the attention of persons responsible for protecting children and dealing with young offenders.

14. The CHAIRPERSON invited the members of the Committee to move on to the list of issues to be taken up (CRC/C/Q/URU.1) regarding the definition of the child and general principles.

15. Mrs. SARDENBERG shared the hope that the draft children's code would be adopted expeditiously, and considered that the Committee's conclusions on the implementation of the Convention would be useful in drawing up the final draft. She suggested that the National Minors' Institute should promote debate in society regarding the Convention and that the Government should adopt measures reflecting a priority concern for children. UNICEF, the Inter-American Children's Institute and other United Nations specialized agencies, which had programmes intended to further international cooperation, could make a useful contribution in that connection.

16. She requested clarification of the discrimination to which children, as a social group might be subject, in view of the fact that they were sometimes regarded as a threat to society rather than as partners in building the future. Did the Uruguayan educational system offer means enabling children to participate in drawing up work and study methods and school programmes?

17. Mrs. SANTOS PAIS, referring to the definition of the child, expressed concern that a legislative reform should provide for the incarceration of children, even in separate premises, in prisons for adults. She requested further information about the 1995 Law which took precedence over certain provisions of the Children's Code of 1934, and which authorized the use of special procedures for children who had committed serious offences, and who might consequently be imprisoned. If it was accepted that a child under 16 years of age could be imprisoned, even if only in exceptional circumstances how was it possible to guarantee application of legislation setting a higher age of minority for criminal purposes? Might that not encourage some judges to interpret the law to the detriment of children?

18. She noted that the age of consent was fixed at 14 years for boys and 12 years for girls in Uruguay, but pointed out that the Convention did not countenance a distinction of that nature. What measures was the Government taking to correct the situation? Such action was particularly important in Uruguay since mothers played a fundamental role and it was they who bore the brunt of unemployment, separation, divorces and remarriages, and on account of the high proportion of teenage mothers.

19. She emphasized that, according to ILO Convention No. 138 and in the spirit of the Convention on the Rights of the Child, it was inadmissible for the child under 15 years of age to work. Children should be at school and not working because the under-qualified would always be the first victims of unemployment. Moreover, the report revealed that some children were authorized to work at the age of 12 to assist their parents, brothers or sisters. Was the prevailing interest in such cases that of the child or that of the family?

20. On the subject of general principles, she asked what measures had been taken, or were planned, to place all children, and particularly teenage expectant mothers, on an equal footing in terms of education, and to prevent any discrimination against children born out of wedlock. For example, did birth certificates omit reference to the condition of natural children in order to ensure that they were not stigmatized.

21. Mr. KOLOSOV stressed that, in countries with a small population and low birth rate, it was normal practice to place young offenders in detention centres for adults. He considered, however, that a contradiction existed in the case of Uruguay where majority was attained at the age of 21, while the provisions of the Convention considered a person to be a child only until the age of 18. It therefore appeared necessary, in Uruguay, to afford the protection of the Convention to young persons up to the age of 21. In that connection, he requested more specific information on the ages of the 120 children currently in prison in Uruguay, and suggested that the time had come either to lower the age of legal majority to 18 or to ensure that the rights of children of under 21 were respected. He further considered that, in Uruguay, Children should be considered not as subjects of the rights of the child, but as persons who had duties, as though they were adults. Consequently, he had the impression that large groups of children were, in a sense, deprived of their childhood.

22. Mr. HAMMARBERG requested further information regarding the situation of children belonging to the black minority. It was not enough for the delegation to state that such children had the same rights as all Uruguayan children; specific measures were required to improve their situation. He welcomed the comprehensive education policy introduced in Uruguay which sought to provide access for all children, including the handicapped, to normal schooling, and requested further information on the pilot projects being carried out, and particularly those for handicapped children. He further emphasized that the authorities should study the possible repercussions on children of the economic measures they planned to implement - a point to which UNICEF attached particular importance. He asked what measures had been taken to promote the participation of children at schools not only in educational but also in administrative and disciplinary matters.

23. Mrs. BADRAN emphasized the importance of the age of marriage, since early marriage was not only contrary to the rights of the child, particularly girls, but also to those of the future baby which would in many cases be born with abnormalities. She considered that the matter was also connected with education, in that virtually all girls left school between the primary and secondary levels in order to get married. It was necessary not only to review legislation, but also to offer counselling to pupils in primary schools in order to encourage them to continue their schooling. She asked whether social workers were present in schools for that purpose.

24. Miss MASON inquired whether it would be possible to issue an addendum to Uruguay's report, devoted to the situation of black children. She believed that discrimination did exist, even if it was not recognized by the authorities, and therefore wished to know whether any studies had been made of the situation of the black population in general (education, health, integration, representation, etc.). She noted that the Uruguayan delegation had answered all the questions raised regarding section 9 of the list of issues (CRC/C/Q/UIU.1), with the exception of issues relating to racial minorities.

25. Mrs. KARP, referring to the question of eliminating discrimination, requested clarification of the specific measures adopted and the resources allocated to reduce existing disparities between the capital and the interior of the country in respect of access to services. Regarding participation, she

asked whether the authorities complied fully with the Convention's requirement that the opinion of the child should be taken into account when the attention of case workers was drawn to the principle of the child's best interests.

26. The CHAIRPERSON invited the Uruguayan delegation to answer the questions raised regarding measures taken to ensure real protection of the child, in relation to his age, and in accordance with the various categories of children taken into consideration.

The meeting was suspended at 16.45 p.m. and resumed at 16.50 p.m.

27. Mrs. IZQUIERDO (Uruguay) stated that the Convention was not yet taught as part of the school curriculum, but that proposals to that end, supported by UNICEF, had been submitted. Regarding the definition of the child, she explained that the full legal age had been 21 before a Law of October 1995 had lowered the age of legal capacity to 18. As for the State's obligation to protect the rights of the child, she said that the new draft Children's Code, the text of which was based on the provisions of the Convention, devoted a chapter specifically to the rights of the child and to the duties of parents and of the State.

28. Referring to the question of the age of criminal responsibility, she explained that minors were brought before special courts that imposed disciplinary measures rather than punishment. Before the Convention had been adopted, the imprisonment (detention) of minors had been current practice. In 1994 the Supreme Court had elaborated the special rules and procedures applicable to minors, as well as the progressive penalties (including detention, but only as a last resort) to be imposed by children's judges. The draft Code provided for application of a series of "protective measures" of an educational nature, the most severe being detention for a maximum period of five years. The child was entitled to the services of a lawyer; failure to comply with this requirement rendered the proceedings null and void.

29. The Civil Code made a distinction between boys and girls who were permitted to marry, subject to parental consent, at the age of 14 and 12 respectively. The problem of early pregnancies was a priority not only from a health but also educational standpoint. The Ministry of Public Health, in cooperation with UNICEF, had published children's health guides for educators and teachers, dealing in particular with infection by the AIDS virus and early pregnancy.

30. The draft Children's Code fixed the minimum working age at 15, in line with international standards. It also eliminated any distinction, as established in the Declaration of the Rights of the Child, regarding children born out of wedlock. All children therefore had the right to protection, to be acknowledged by their father (even if born out of wedlock), and to be informed of the identity of their parents.

31. The legislation in force contained no discriminatory provisions against the black population, nor did racial conflict exist. However, the State recognized the need for official statistics to assess the situation of the black population, and had undertaken to gather data in cooperation with interested NGOs.

32. The pilot project aimed at the integration of handicapped children in ordinary schools had not produced the desired results in the view of teachers. The project would not, however, be dropped, but would be reviewed and modified on the basis of experience.

33. The principle of the best interests of the child, embodied in the Children's Code of 1934, had so far been interpreted by adults who did not take the opinion of the child into due consideration, or failed to consider it in the context of certain administrative procedures. The new draft Code stated that the opinion of the child must be taken into account in all procedures, and that he must be provided with an explanation of any decision affecting his life.

34. On the subject of specific measures taken to eliminate disparities between the capital and rural areas, she stated that the departmental authorities enjoyed financial autonomy, and that their financial resources were frequently greater than those of the Montevideo authorities, to the extent that in education, for example, scholastic performance was better in rural areas than in the capital. Health programmes dealing with specific problems were implemented in the interior by the Ministry of Health, in cooperation with the departmental authorities and professional medical organizations.

35. The CHAIRPERSON reminded the delegation that two other issues had been raised, one regarding the existence of social services in schools to counsel pupils, and the other concerning specific programmes to protect children who had been sexually abused.

36. Mrs. IZQUIERDO (Uruguay) replied that a programme to help victims of domestic violence, both children and women, had been launched in 1990. The programme was based on contacts established by NGOs in hospitals, providing for the possibility of mediation between aggressors and their victims, and on the cooperation of teachers in identifying cases of domestic violence. It was regrettable that it had not yet been possible to establish the children's SOS service.

37. Mr. BONASSO (Uruguay) added that Uruguay had a body of highly-qualified social workers who were present in all the country schools to deal with problems faced by children within the school system, such as absenteeism and dropping out, with emphasis on relations between the child and the family environment, the community, civil organizations and social clubs. The National Minors' Institute also had a large number of social workers on its staff and likewise gave priority to the protection of the family environment.

38. The CHAIRPERSON said that, to facilitate proceedings, members of the Committee could not only comment on the replies of the Uruguay delegation, but also raise other issues such as freedom and civil rights, the family environment and safeguards in connection with alternative care.

39. Mrs. SANTOS PAIS said that the Committee had noted with considerable interest that a number of provisions of the Convention had been used in the Draft Children's Code under examination. However, the Committee was mainly interested in the practical application of the Convention since its ratification by Uruguay. In that connection, she noted with concern that

certain measures, such as the so-called protective measures of an educational nature, appeared to be more in the nature of a form of deprivation of liberty, which was contrary to the provisions of the Convention. She also noted that, although a child under 18 years of age was not criminally responsible under the law, a minor of 16 could be placed in a high security establishment that had no specific educational or reintegration function. Did that not reflect a contradiction between legislation and practice? In her view a cause and effect relationship appeared to exist between the situation of children in difficulty and the general socio-economic circumstances of their families.

40. As for the marriageable age of minors, she considered that the legal provision requiring parental consent was not sufficient. In her view, the legislative authorities should fix a minimum age at which young people might contract marriage offering a reasonable chance of success in conjugal and family life.

41. Regarding access to employment, there seemed to be a discrepancy between the ILO Convention, which had been ratified but not effectively applied by Uruguay and Uruguayan legislation which permitted the employment of children from the age of 14, and even 12 in some cases. In addition, the fact that a child born to under-age parents could not be acknowledged appeared to be at variance with article 7 that embodied the child's right to a name, to know the identity of his parents and, above all, to an identity.

42. She would appreciate further information on Uruguay's adoption procedure which seemed to imply a total severance of links with the biological parents. She also asked whether the legislation in force prohibited torture and other cruel, inhuman or degrading treatment or punishment. Finally, it was her understanding that a decree of 1970 permitted the wholesale detention of young people caught in flagrante delicto for identity checks. Might that provision not jeopardize the right of young persons to freedom of association?

43. Mrs. SARDENBERG pointed out that adoption of the draft Children's Code would not automatically guarantee its application. The Government should therefore take specific measures without delay to deal with a number of particularly worrying problems faced by children in difficulty (children in conflict with the law, children living in poverty and children in an irregular situation). She was particularly concerned by social discrimination against black children, who were denied the possibility of social advancement and access to public services, and against the black community as a whole, which was not represented in academic, administrative or political institutions. That situation, too, called for appropriate political, economic and social action.

44. She shared the concern expressed by Mrs. Santos País regarding discrimination against young persons who could collectively be placed in detention under a decree of 1970. Such measures appeared to originate in a perception of young persons as a threat and not as a group contributing to construction of the future.

45. She asked what measures the State intended to take to resolve the problem of children who had disappeared under the dictatorship, who had subsequently been found, but whose identity was not known. She asked what

would be done about the thousands of adopted children whose links with their biological families had been severed in accordance with the legislation in force prior to ratification of the Convention.

46. Mr. HAMMARBERG said that, in order to protect the best interests of the child, the impact of all government decisions on children should be taken into account. The best interest of the child should be understood in the broadest sense and not simply in the legal or social context. To that end, appropriate mechanisms were necessary to ensure that the best interests of the child were considered in allocating public resources.

47. He welcomed the action taken by the Uruguayan authorities to combat the maltreatment of children. He urged them to place greater emphasis on prevention than cure, and to focus their preventive activities on men since it appeared that they were the ones primarily responsible for the maltreatment experienced by children within the home. It was to be hoped that the SOS service for children would soon be operational.

48. He drew the Uruguayan delegation's attention to the fact that article 17 of the Convention dealt not only with use of the media to disseminate information about the Convention, but also with protecting children against the harmful influence of the media and of video recordings (violence and pornography). He requested details of Uruguay's policy in that connection.

49. Mr. KOLOSOV was concerned to note that the Uruguayan authorities appeared to regard street children as a threat to society, and that the media did not hesitate to divulge the identity of young offenders. He inquired whether the draft Children's Code contained provisions designed to remedy that situation.

50. Mrs. KARP asked to what extent legal provisions regarding the protection of children's right to private life were applied, and asked the Uruguayan delegation for specific examples of cases in which courts had imposed penalties for the infringement of that right. Were the activities of the Victims' Monitoring Centre confined to Montevideo, or did they cover the entire country?

51. She asked whether any arrangements had been made in Uruguay to look after street children above school-leaving age. What was the minimum age at which children could give evidence in court, and what weight was attached to their evidence when it contradicted their parents' statements, particularly in cases involving domestic violence. Was there an age limit at which the consent of children was required before they underwent medical examinations or received medical treatment? She also asked what rules were applied in cases of teenage pregnancy, and what provisions governed abortion in such cases.

52. Miss MASON was concerned by the specific manner in which the best interests of the child were protected in various contexts. She wished to know how the authorities guaranteed respect for the best interests of the child in cases of adoption while at the same time considering the interests of the parents. Referring to paragraph 180 of the report, she wondered why the Uruguayan authorities considered that the confidential nature of the adoption procedure helped to protect the best interests of the child.

53. She also noted that Uruguay lacked rules governing international adoption and that apparently the desires of adults were given greater weight than those of children. She also noted that children above a certain age were unlikely to be adopted and were almost automatically placed in an institution. How did the Uruguayan authorities protect the best interests of the child in those circumstances?

54. Mrs. BADRAN was particularly concerned by the breakdown of the family unit which was reflected, for instance, in the fact that only some 25 per cent of children were born legitimately and lived with their parents. She also noted that cohabitation was increasing, to an extent that raised doubts concerning the effectiveness of Uruguay's well-developed social action system. Surely the best interests of the child called for a re-examination of the situation with a view to solving the problems confronting the Uruguayan family.

55. The CHAIRPERSON thanked the Uruguayan delegation for its replies to the Committee's questions.

The meeting rose at 6 p.m.

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Thirteenth session

SUMMARY RECORD OF THE 327th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 October 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Uruguay (CRC/C/3/Add.37; HRI/CORE/1/Add.9; CRC/Q/URU.1) (continued)

1. At the invitation of the Chairperson, Mr. Bonasso, Mrs. Izquierdo, Mrs. Fernandez and Mrs. Rivero (Uruguay) resumed their places at the Committee table.

2. Mr. BONASSO (Uruguay), replying to questions asked by the members of the Committee the previous day, said that one of the Committee's concerns had been to know whether any measures had been taken to provide education for children in conflict with the law who had been detained in institutions. He agreed with Mrs. Santos País that the State had a responsibility to ensure that such children, whose level of educational achievement was often low, were given as much help as possible. There was no doubt that education was much more effective than deprivation of liberty in reforming young people. Under a law adopted the previous year, technical institutes were now responsible for providing study or training courses for juvenile offenders; the role of the National Minors' Institute (INAME) was to decide on the type of education or training best suited to the abilities of each particular child. Under an agreement with INAME, several non-governmental organizations, including Service, Peace and Justice in Latin America (SERPAJ) and Children's Forum, now provided courses for such young people and also helped them find work after their release.

3. The policy of INAME and of the other bodies concerned was that everything should be as open and transparent as possible. Several more training workshops were planned, as well as courses in the use of computer technology. One of the training establishments was a semi-open one, in which the inmates went out to work each day and returned in the evening, thus enabling them to become gradually accustomed to being at liberty. In addition, a programme was now under way to provide alternatives to confinement for children in conflict with the law under which they would remain free, but under supervision. The purpose of that approach was to improve rehabilitation and to avoid institutionalization as far as possible.

4. Adoption was regulated by the Adoption Institute, which was staffed by qualified professionals. INAME had recommended that the Institute should be given powers at the national level to decide on the handing over of children for adoption and that the courts should no longer have sole responsibility in the matter; he hoped that that recommendation would be approved. INAME's aim was not to seek a child for the parents, but, rather, parents for the child. While in principle the Institute did not favour breaking the link with the biological parents, it encouraged adoption if that seemed to be in the child's best interests.

5. Reference had also been made to the question of disappeared children: some progress had been made in that respect. From the moral standpoint, there could be no doubt that parents had every right to expect that action would be taken and he had no wish to minimize the importance of the tragedies that had

occurred, but the fact was that most disappearances had taken place outside Uruguay. The Government had no intention of closing the file on the subject and discussions were continuing, although there was a limit to what could be done now that so much time had elapsed.

6. Mrs. IZQUIERDO (Uruguay) confirmed that the majority of forced disappearances of children during the dictatorship in Uruguay from 1973 to 1984 had not occurred in Uruguayan territory. However, the fact that the country was a close neighbour of Brazil and Argentina, where they had occurred, meant that those in power in Uruguay at that time had to some extent been involved. It had been asked what had been done to help NGOs, particularly in Argentina, to look for those children. The previous year, a disappeared Uruguayan child had been located, who had been born while his parents had been in prison; both parents had subsequently disappeared. The Ministry of External Relations, as well as the Uruguayan Embassy in the country concerned, had played an active part in the case and had provided the child with all the support and protection possible.

7. Mr. RONASSO (Uruguay), replying to the question on street children, said that INAME had two programmes to assist such children, one in Montevideo and one in an outlying suburb, run jointly with an NGO and with the cooperation of UNICEF. The suburb had been chosen for one of the programmes in order to avoid breaking links with the children's families and disrupting their education, since the problem of street children was closely linked to the problem of school drop-outs. The programme was thus designed to operate not only in the centre of the city, where street children were usually found, but also in the outlying areas from which they had originally come.

8. INAME had had a number of requests from different parts of the country for help with the education and training of such children. Some two years previously, a number of training workshops had been set up in the main bus terminal in Montevideo designed to help the street children found near the terminal or passing through it. With financial support from UNICEF, moreover, INAME had just produced a survey of street children in Montevideo on which eight members of its staff had worked for three months. INAME intended to continue work on that project with a view to the eventual setting up of a centre which would cooperate with NGOs to provide a 24-hour care service.

9. Mrs. IZQUIERDO (Uruguay) said that torture was not specifically defined as a crime in Uruguayan law, although the country had ratified the Convention against Torture, which had consequently become part of domestic law. However, abuses of authority by police or other officials vis-à-vis persons held in custody before trial, or in prison after sentencing, were offences under the Penal Code.

10. With regard to the ill-treatment of minors, a law had recently been adopted, with the support of virtually all political parties in Parliament, making domestic violence a crime. One of the aims of the law was to protect children against ill-treatment by their families, their legal guardians or persons living with them. The penalties for that crime were severe, ranging from 6 to 24 months' imprisonment, the term being increased by one-third when the victim was under 16 years of age, suffered from physical or psychological handicaps, was a blood relation or shared the same household.

11. Mr. BONASSO (Uruguay), referring to Mr. Hammarberg's comment on the role played by the State in respect of the mass media, said that, in Uruguay, the media were seen as a valuable way of furthering national integration and reinforcing cultural identity by helping population groups in the more remote regions to become familiar with the Spanish language. The Government also had a mandate to control and monitor the mass media and television programmes were timed as far as possible to protect minors from undesirable viewing, but it was difficult to enforce control in practice. A commission composed of academics, Government officials and representatives of the media had been set up and was trying to introduce some kind of system of self-regulation, under which the amount of sex and violence in programmes would be reduced.

12. On the problem of alcohol, the effect of advertising had been that consumption by young people had increased considerably, and that was a matter of concern. The Government had launched publicity campaigns aimed at young people which were designed to change attitudes rather than to condemn or impose controls from above. Work on the problem was continuing in an effort to find the most effective type of action.

13. Mrs. IZQUIERDO (Uruguay) said that the legal provision governing the question of detention, namely, Decree Law No. 680, was a relic from the period of dictatorship and a number of international human rights bodies had drawn attention to the contradictions between it and international instruments on the subject and even with Uruguay's own Constitution. At present, however, it was not applied in practice. A revised version of the Penal Code was now under study in Parliament, which she hoped would soon be approved, and, once that Code had entered into force, Decree Law No. 680 would be superseded. However, it had to be recognized that, formally, it was still in force.

14. Mr. BONASSO (Uruguay) stressed that, although INAME was responsible for taking in young offenders who had been sentenced, it was the courts, not the police, which had the authority to decide what policy should be followed in dealing with them. The judge would normally order that, whenever possible, a child should be returned to his or her family. In dealing with young offenders, INAME tried to work together with families to see if an alternative solution could be found that would not involve institutionalization.

15. One member of the Committee had asked why Uruguay had set the age of access to employment for children at 14 instead of 15. The Government in fact fully accepted that its legislation should be brought into line with the Convention in that respect and efforts were now being made to remedy the situation. In the same way, Uruguay recognized that the child's right to privacy should be protected where exposure to the media was concerned. Although there was no press censorship in the country, the draft Children's Code contained provisions on the subject and everything possible would be done to ensure that they were complied with.

16. Mrs. KARP, welcoming the information relating to a study of street children, asked whether any link had been found between family violence and children leaving families to live on the streets. What conclusions had been reached with regard to sending such children back to their families? Had the

study given any attention to child prostitution or to measuring the scope of that problem? Was any consideration being given to the special treatment needs of child prostitutes?

17. Since the Committee had a keen interest in how legislation was applied in practice, she again asked what penalties were applied in the case of journalists who infringed the privacy of children. Were such cases common?

18. At what age were children considered competent to give evidence against abusive parents? Were any services available, such as special police or psychological units, to help children tell their stories? Was evidence provided by children acceptable in court? What problems were encountered in assessing the reliability of such evidence? Was corroboration of evidence provided by a child mandatory to secure a conviction?

19. In any decision on abortion, was age a deciding factor? Was consent required for abortion?

20. She would welcome further information on the mediation process applied in cases of family violence. It was apparently accepted that penal sanctions were not the only means of tackling the problem. What consideration was given to the child's views in the mediation process and in decisions on how the perpetrator should be treated?

21. Mr. HAMMARBERG said that, although the school enrolment rate in Uruguay was high and the literacy rate impressive, some indicators such as a high rate of repetition and the examination failure rate gave cause for concern, since they were a sign of problems with equity and the quality of education. A review of the quality of curricula might be indicated. Another factor affecting the quality of education was the status of teachers. When the teaching profession was not an attractive one and teachers had to find additional work to maintain a reasonable standard of living, educational standards tended to suffer, especially in rural schools or schools attended by children from less well-off families. Low pay and low status in the teaching profession generally led to authoritarian attitudes in schools, a lack of creativity in approaches to teaching and learning and participation by pupils. Had Uruguay any plans to remedy the situation?

22. Mrs. SARDENBERG said that, although child disappearances had not been a problem since the restoration of democracy, she continued to be concerned about the preservation and recovery of identity. How many cases were still pending? Was any official body looking into the matter?

23. On the adoption issue, she understood that INAME was authorized to deal with adoption in addition to its work with abandoned children. What was being done to resolve the conflict between these two duties?

24. The information that Decree Law No. 680 was no longer being applied was welcome. However, the fact that it was still on the statute book was disquieting; Uruguay should consider repealing that legislation.

25. Had Uruguay taken any steps to implement the Plan of Action adopted by the World Summit for Children? What was the Government's strategy with regard to the global goals for the mid-decade?

26. The list of issues contained a question relating to the education of parents. Had parents in Uruguay any access to advice or support from the State in order to ensure the harmonious development of children? The delegation had confined its response to the legislative aspects of the issue, but she would also like to know what social programmes were available to provide financial or other assistance to families in difficulty. What was the current situation with regard to child-care centres? Clarification of the aims and activities of the Children's Commissariat would be appreciated.

27. Although access to education and the literacy rate were admirable in Uruguay, the position of women in society did not reflect those educational advantages. Were the education offered to girls and the educational methods applied to them affected by discriminatory attitudes? How did the Children's Code currently under discussion deal with the question of gender?

28. The decline in infant mortality to a low of 18.7 in 1992 was to be applauded. However, the recent rise of that statistic to 18.9 was worrying. What was the explanation and had the Government any moves in mind to counter the trend?

29. Mrs. EUFEMIO said that, in Uruguayan families moving from rural districts to poor urban areas, it had been found that the rearing of children was almost exclusively the mother's responsibility. She wondered whether attitudes of male dominance ("machismo"), in which child care was considered a threat to the male ego, were responsible for that situation. Were any efforts being made in the schools to alter such attitudes among boys and girls, particularly at the ages when socialization was being initiated? In the case of single mothers who changed partners frequently, or families with fathers working away from home or neglectful of or violent with their children, what efforts were being made by the Government to ensure that all children enjoyed the right to a family environment?

30. The Uruguayan response to question 16 of the list of issues had been to refer the Committee to a provision of the Civil Code. What percentage of parents were in fact aware of the contents of the Civil Code? Was any attempt made to make such information available to them in accessible terms? Did the school curriculum provide for any training to prepare children for responsible parenthood when they became adults? Was any provision made in the curriculum to foster the development of children along the lines laid down in article 29 of the Convention or to bring about such changes in attitude through education?

31. She asked whether there was any cause in addition to teenage pregnancies for the number of single mothers. Was the State considering any action through the mass media, education or pre-marriage counselling to encourage a reduction in the number of single mothers and teach parenting skills? In the case of the many families with no adult male in the household, were any programmes planned to enlist male relatives, friends or teachers to provide a framework of social support for the children of such families?

32. According to a UNESCO report, teenage pregnancies led girls to drop out of school, thus limiting their opportunity to learn about parenting at school. Were any efforts being made to encourage pregnant teenagers to return to school or was the social stigma involved in teenage pregnancy too strong to prevent that?

33. Mr. MOMBESHORA said that, according to the report, current health policies had led to a reduction in Government intervention. What proportion of the current national budget was allocated to health, education and defence? Had any areas in particular suffered from the policy change? Why was priority in the new strategy for partnership being given to women and children in urban areas? Did such areas have greater access to services? What services were provided for dealing with teenage or unwanted pregnancies? Was any counselling, social or nutritional support available in such cases? What family planning programmes were in place in Uruguay and how accessible were they to the general public? How many women had their babies in hospital or other health facilities? Were neonatal HIV infections a problem in Uruguay? Were there enough trained personnel and facilities in place in Uruguay to provide care for all disabled children and ensure them a better life?

34. Mrs. SANTOS PAIS said that the value of the Convention lay largely in its application in domestic legislation. It was therefore essential that Decree Law No. 680, which was completely contrary to the spirit of the Convention, should be repealed.

35. She welcomed the fact that Uruguay was a party to the Convention against Torture. However, torture must also be characterized as a crime in domestic criminal law and made subject to criminal sanctions if the message was to be conveyed to officials and others that the practice was abhorrent. In the case of domestic violence, criminal law should contain provisions to remove children from parental authority where necessary. In addition to the message conveyed by the law, the spirit of the Convention must be inculcated in society through education, dialogue, negotiation and reconciliation. It should become the general view that violence was not acceptable under any circumstances.

36. With reference to adoption, it was understood that some children would be unable to know who their natural parents were following adoption, as in the case of parents who were minors. It was hoped that the policy relating to surnames for children born out of wedlock could be changed, as it implied a stigma for the child.

37. Uruguay appeared to have no legislation governing international adoption. Although it intended to ratify the 1993 Hague Convention, it had not yet done so. What problems were being encountered as a result of that legal vacuum? What safeguards were in place to ensure that adoption was the best option for the child? Was any data available on the subsequent fate of children handed over to foreign couples? The report made no mention of illegal trafficking in children. Was that to be taken to mean that such trafficking did not occur in Uruguay?

38. Children appeared to be a growing minority in Uruguay. There appeared to be no bodies speaking on their behalf. Attention seemed to be given to them

only when they became a problem or a threat. There was a need for a better balance in attitudes towards children, who made a valuable contribution to society.

39. The reply to question 17 of the list of issues indicated a concern to avoid the institutionalization of children. However, many children were in institutions because their parents had no means of providing for their needs and so lacked the psychological supports to development provided by the family environment. Greater efforts needed to be made to enable children to remain with their families. She welcomed the information provided on the existence of a network of carers in Uruguay, but asked how that system was monitored.

40. Mrs. KARP, referring to paragraph 210 of the report, asked whether the relative imbalance in the proportions of women attending State and private health centres was evidence of an increasing trend towards privatization in the health field. Mention had been made of the many programmes devoted to children in special need. To what extent did existing services cover the needs of such children? Were there long waiting lists for admission to institutions owing to the lack of places as a result of insufficient budget allocations? The principal causes of death in the 15 to 30 year-old age group were apparently traffic accidents and suicide. What mental health services existed for children? Was there any legislation regulating admission of children to mental care facilities? Did the child have any say in such admission in view of the stigma attached to mental illness? Were there any plans to enable more children to receive treatment for drug abuse?

41. Miss MASON said that the age for consent to sexual intercourse appeared to be 14, although the legal age for marriage was 12 for girls and 14 for boys. Were proceedings often instituted against persons who engaged in sexual intercourse with minors? Stressing the importance of teacher status in improving the quality of education, she asked what efforts were being made to improve teacher training and what educational qualifications teachers had, especially in rural areas. What was the male to female ratio among teachers and what was the teacher to pupil ratio? Did parents play any part in the educational system, for example, through parent/teacher associations?

42. Mrs. BADRAN said she had understood that one of the main areas of concern in UNICEF's cooperation with Uruguay was family life. She wished to know whether such cooperation focused on the prevention of the breakdown of family life or took a remedial approach to the problem and whether any studies had been conducted to explain the deterioration of the family in Uruguay.

43. Despite Uruguay's good health indicators, there were wide disparities in the level of health care available, even in the capital. For example, the indicators for infant mortality in Montevideo varied between 4 per thousand and 74 per thousand. She asked whether priority consideration had been given to bridging the gap between the privileged and underprivileged sectors of the population.

44. The statistics on environmental health, particularly with regard to sanitation, were surprising because the figures suggested that fewer people in urban areas had adequate sanitation than people in rural areas. The

statistics seemed questionable in view of the fact that far more people had access to safe water supplies in cities than in the rural part of the country.

45. Given the high drop-out rate at the primary school level, she wondered whether vocational training institutions existed and whether preparatory education for such training had been introduced at the primary level. Referring to discrimination against women, she asked whether the school curriculum had been reviewed in order to eliminate gender bias and promote gender equality.

46. Mr. KOLOSOV said that the Committee's task in formulating its concluding observations and recommendations to the Government of Uruguay would be difficult because information from sources other than the Government had not given as good an impression of conditions in Uruguay as the one the delegation had tried to create.

47. Attitudes towards street children were gradually changing, but, despite the involvement of non-governmental organizations in programmes intended for such children, the problem remained serious. He asked whether the public and the police treated those children as potential offenders.

48. He also wished to know to what extent the mass media violated the privacy of juvenile offenders through excessive media coverage and asked how much access young people had to information on their rights through the print and electronic media.

49. Mrs. IZQUIERDO (Uruguay) said that, although she did not know the exact number of children who had been victims of forced disappearances, she was sure it was not more than 18, 10 of whom had been found since the end of the dictatorship and the restoration of democracy.

50. Mr. BONASSO (Uruguay) said that many children had been handed over by the judiciary to the National Minors' Institute (INAME) for adoption. INAME was involved in the adoption process at various levels and had maintained that involvement because it was equipped to carry out all the necessary studies and tests before adoption took place.

51. Replying to the comment that children were perceived as threats to adults, he said that it was not surprising that such feelings existed in a country having Uruguay's demographic composition. INAME was working on changing attitudes among adults to encourage them to value young persons as scarce human resources, and to create a link between the generations.

52. Mrs. FERNANDEZ (Uruguay) said that, since the preparation of the National Action Plan in 1992, the Government had been involved in a number of activities coordinated by the Social Policies Division of the Office of Planning and Budget. The areas covered by the Plan were health, education, nutrition, children in particularly difficult circumstances, and women. Assessments of indicators had been carried out annually and an overall evaluation of the Plan had been conducted in 1995. In general, the mid-term objectives had been achieved and, in some cases, the goals for the year 2000

had already been reached. The Government was planning to revise and update the Plan and to introduce new goals directly related to the Convention on the Rights of the Child.

53. Mr. BONASSO (Uruguay) said that the Commission on Children, for which the Ministry of the Interior was responsible, had so far operated only in Montevideo. The Ministry would, however, work with police headquarters throughout the country to provide specialized services to ensure that cases involving minors were handled by persons experienced in dealing with children's problems.

54. Mrs. IZQUIERDO (Uruguay) said that integrated educational reform was under way to improve the standard of education and incorporate the elements of modern teaching theory into the education system. The reform was a difficult task which had met with some opposition but, once the implementation of the reform plan had begun, students, teachers and parents had asked to be included in the discussions with the Government.

55. Teachers held regular assemblies to assess the education system and to present their concerns to the authorities and there were parents' associations that interacted with school boards. The teaching profession required training at the tertiary level and it was impossible for a person to teach in private or public schools in Uruguay without full certification by the authorities.

56. Mr. BONASSO (Uruguay) said that the Government was aware of its shortcomings, but willing to act on the recommendations made by the Committee. For example, it had intensified efforts to lower the infant mortality rate, which had actually declined by 10 points between 1985 and 1990, and it was committed to fulfilling its obligation to improve the situation in the health and other sectors through the adoption of appropriate measures.

57. The health system consisted of public and private components. Public health services were free of charge and intended primarily for the low-income sectors of the population. The quality of such health services and of private collectivized medical care was of a particularly high standard. It was nevertheless true that the quality of the data collected in urban and rural areas was not always consistent, and that accounted for discrepancies in health indicators.

58. The Government was making every effort to eliminate "machismo" in Uruguayan society, particularly in rural areas. It was unfortunately the case that women themselves perpetuated chauvinistic attitudes, but there was hope that the trend could be reversed.

59. The problem of teenage pregnancy required action in the health and education sectors, as well as action by INAME and the Institute for the Family and Women. In that connection, the Uruguayan Government was convinced of the importance of a primary health care strategy and supported the work being done by the Pan American Health Organization, the World Health Organization and UNICEF. Sexual conduct was an issue which needed to be dealt with systematically in school curricula. In reply to Mrs. Eufemio's question on the stigma attached to teenage pregnancy, he said that some measures had been

adopted, but new approaches to the problem were needed. INAME had set up some homes and shelters where pregnant girls could continue their education, but such services were not yet widely available.

60. Mrs. IZQUIERDO (Uruguay) said that one of the major reforms under way in the area of education related to teachers' salaries. Improvements in that regard were expected to have a direct impact on the quality of education, particularly in poorer areas where schools served as reference points not only for learning, but also for recreation, nutrition and family guidance.

61. As far as budgetary allocations for health were concerned, Uruguay had 12 priority health programmes that had already attracted large investments from the Government and from international donors.

62. Ninety per cent of births took place in public or private hospitals and clinics and the number of deliveries that took place at home, without medical supervision, had thus declined.

63. Mr. BONASSO (Uruguay) said that Uruguay had not had a children's hospital until a few months previously, when two hospitals had been appointed to provide care specifically for children in the capital and in the provinces, respectively.

64. Breast-feeding was unfortunately not prevalent in Uruguay and UNICEF had launched a promotional campaign to deal with that issue. Although the use of milk formula was not encouraged in hospitals, one of the reasons that breast-feeding was not the usual practice was that women were returning to work within months of giving birth and were therefore substituting milk formula for breast milk. It was hoped that Uruguay would make strides in its breast-feeding campaign by the year 2000.

65. A study on the problem of child prostitution had been carried out in cooperation with UNICEF. The National Minors' Institute had found that there were a number of girls whose behaviour, while not qualifying as prostitution, could be described as sexually promiscuous. It had tried to provide shelter for those girls and was very cautious in providing information in order to avoid exposing them to risk and to protect them from persons who intended to exploit them for improper financial gain.

66. With regard to juvenile justice, INAME had never sought to find any young person criminally responsible and had always followed the correct legal procedures in dealing with juvenile offenders.

67. Any report of the ill-treatment of a young person by an employee of an official shelter or home, regardless of the employee's position, was fully investigated and the appropriate criminal law penalties were imposed.

68. Mrs. IZQUIERDO (Uruguay), referring to domestic violence, said that the process of reconciliation involved professional psychological counselling for both the aggressor and the victim, unless legal action needed to be taken. Safe houses for battered women had so far existed only in Montevideo.

69. Despite ongoing attempts, the Government had not been very successful in ensuring that children would not have to appear in court to give evidence.

70. Mr. BONASSO (Uruguay) said that the new Children's Code would contain provisions to deal with the stigma attached to the naming of children of single mothers.

71. The Government of Uruguay had a clear preference for national adoptions and had not yet ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. In the past 13 months, an authorization had been granted for only one child to be adopted internationally. In that particular case, it had been decided that the child, who was blind, would have better prospects for developing his abilities in the foreign country concerned. International adoptions were thus authorized with due account being taken of the quality of the follow-up care available.

72. With regard to the relationship between children in detention and poor social circumstances, INAME firmly believed that it was better to treat juveniles within their families, through social and economic assistance, than to place them in institutions. It was recognized that there were weaknesses in follow-up action for the evaluation of the conditions under which children lived in foster homes.

73. There was a clear trend for pregnant women to seek private health care, although public health care was free and available to all.

74. The National Food Supplement Programme was offered to all needy pregnant women and to all children under six years of age as a preventative measure. The Ministry of Public Health also conducted a feeding programme to deal with identified cases of nutritional deficiency.

75. The CHAIRPERSON invited the members of the Committee to ask questions on the section of the list of issues entitled "Special protection measures".

76. Miss MASON asked whether child workers benefited from the work of the Labour Inspectorate. Did the Inspectors ensure that they were fairly paid and had access to health services when they were ill? She also asked whether the Government had considered taking economic measures, such as the institution of a system of small business loans, to generate employment for families who would otherwise be obliged to send their children out to work. Had any real survey been made of working children, especially in the informal sector, with a view to establishing reliable statistics?

77. Mrs. KARP asked what three main areas should, in the delegation's view, be the focus of attention in terms of research, manpower and budgetary allocations in order to ensure the fuller implementation of the Convention.

78. Mr. BONASSO (Uruguay) said that the Labour Inspectorate was responsible for checking the age of young workers, ensuring that they were not employed in night work or on tasks too heavy for them, and so forth. Certainly, the employment of children was not regarded as a remedy for the economic

situation. Two programmes directed at the population between 15 and 24 years of age which had been forced to drop out of school had been put into effect with the assistance of the Inter-American Development Bank.

79. In reply to Mrs. Karp's question, he would say that the whole thrust of the Government's action was preventive. Hence its eagerness to strengthen family ties and provide more assistance to families. The paramount importance of education was fully recognized, as shown by the efforts being made to extend preschool education nationwide and ensure that it was accessible to poorer families, as well as to provide opportunities so that disadvantaged children forced to drop out of school could resume their education. The new Government was continuing the start already made on enhancing teacher training and engaging in an overall revision of the education system, as recommended in the studies carried out by ECLAP.

80. The revised Children's Code that would soon be adopted would be fully in line with the spirit of the Convention. The Government was also committed to promoting the participation of NGOs. Efforts would be directed at preventing the abandonment of children and their institutionalization, counteracting ill-treatment and abuse of all kinds, strengthening programmes for the prevention of teenage pregnancy, while at the same time ensuring care for young unmarried mothers and pressing forward with efforts to prevent and remedy child prostitution.

81. The CHAIRPERSON invited the members of the Committee to make their concluding observations on the initial report of Uruguay.

82. Mrs. SANTOS PAIS thanked the Uruguayan delegation for its frank and open approach to the discussion of the report. The country's problems had been recognized and willingness expressed to take the Committee's suggestions for improvement into account.

83. Despite those positive trends, however, some aspects continued to be of concern to the Committee. First, priority must be given to the adoption of the new Code for Children and Adolescents. That process should coincide with the reform of all legislation contrary to the spirit of the Convention and the adoption of new laws in those fields not yet covered, such as international adoption and the recognition of torture as a crime. Secondly, it was important that there should be effective coordination, both horizontally and vertically, between all the Government departments involved, as well as interaction with the municipal authorities with a view to strengthening their power to meet the needs of families. Action on behalf of children should have a greater claim on the country's resources, with priority being given to the most needy in order to avoid the perpetuation of poverty. More money should be spent on education and health. A special effort should be made to identify indicators of hidden problems such as child abuse, child prostitution and the illicit traffic in children.

84. The Convention should play an important part in information and training programmes. Stress should be laid on its provisions in the training of social workers and teachers and public authorities and members of Parliament should also be made aware of its provisions. The new Children's Code was currently before the Parliament and she hoped that its members would be informed of the

Committee's conclusions and be influenced by them. Their support was also important from the point of view of budgetary allocations. She hoped that steps would be taken to include teaching about the Convention in school curricula and that greater efforts would be made to cooperate with NGOs, which were often closer to the people than the Government could be.

85. The general principles of the Convention should be systematically applied. The age of marriage should be kept as high as possible. Employment should not be permitted under the age of 15 and the age of criminal responsibility should be raised to 18. The concept of illegitimacy should be abandoned and any stigma removed. Special measures were needed to support families in order to prevent the abandonment of children and their consequent institutionalization. Special measures were also needed to ensure that the rights of children in detention were respected and, in the field of justice in general, it was important that new legislation should reflect the provisions of articles 37 and 40 of the Convention in particular.

86. Mr. HAMMARBERG said that he would like the Government to consider making a general review of Uruguayan legislation and practice in the light of the provisions of article 3 of the Convention whereby the best interests of the child should be a primary consideration. The impact on children should be taken into account at all stages of the decision-making process. Doing so would automatically give children a more important place in society. That should be accompanied by a further discussion of the best means of guaranteeing the independent monitoring of the system through the appointment of an ombudsman or in some other way. There should be more systematic training and education of key professionals in the field of children's rights and there was also a need for a more targeted investigation of services in certain areas, to serve as the basis for a more in-depth discussion.

87. Mrs. SARDENBERG said that the dialogue with the Uruguayan delegation had clarified and supplemented the report and the other documents submitted. Among the positive points that had emerged were the satisfactory indicators regarding health and education and the moment of opportunity for reform afforded by the inauguration of the new Government.

88. As a general recommendation, she stressed the need for a change of attitude towards the way in which children were perceived, taking as its basis the ethical and legal content of the Convention. Children and adolescents needed to have their own place in the country's political agenda so that their primary interests could be reflected in policies and strategies, as well as in budgetary allocations and in the improvement of their real situation in the country. She also emphasized the need for a reliable diagnosis of problems based on systematic and structured studies and statistics and for a better system of information. Regarding the new Children's Code, there was a need not only to speed up the debate, but also to ensure that it was open to the various sectors of society, including NGOs.

89. One of her chief concerns was the unequal access to services and opportunities of such vulnerable groups as poor children, black children, street children, the disabled, child workers and victims of ill-treatment. She stressed the importance of participation by children, who should be encouraged to form associations so as to take part and cooperate in

formulating policies and discussing topics important to them. She again commended the Uruguayan delegation on its positive attitude and expressed the hope that its members would return to their country with a strengthened determination to foster the implementation of the Convention.

90. Mrs. BADRAN thanked the Uruguayan delegation and said that she looked forward to seeing a number of the Committee's recommendations put into effect. Although current indicators showed that the situation in Uruguay was satisfactory in some respects, an effort would be needed to sustain it, since the economic difficulties caused by structural adjustment and the recession could well have a negative influence. Two problems in particular needed special study: first, why were the young and educated emigrating from Uruguay - something that could have very serious demographic consequences given the country's small child population - and, secondly, why was the institution of the family disintegrating? A system of incentives was needed to halt the emigration of young people and encourage them to marry and found legitimate families of their own. There should also be incentives to stay at school. One way of encouraging young people to stay in the country was to open up opportunities for them to participate in the various community structures. That would give them a sense of belonging and would help with popular participation in general, since, unless a start was made early by training children to participate, it was difficult to persuade them to do so at a later stage.

91. Mr. MOMBESHORA regretted that shortage of time had prevented the Uruguayan delegation from replying to his question about family planning. Nevertheless, the information provided about early and unwanted pregnancies showed that there was a major problem in that regard. Family planning could be a useful strategy for improving the health of mothers and children and a valuable tool for reducing the adverse social and psychological effects of unwanted pregnancies. He was sure that, when the members of the delegation returned to Uruguay, they would look into that area with a view to fitting family planning into health programmes.

92. Mrs. KARP said that Uruguay had to formulate policies for removing disparities and to change attitudes towards participation by children. The principles of the Convention should be implemented in a holistic way, with the best interests of the child and his right to development seen as a single subject having different aspects. There was also a need to strengthen services for victims of violence and abuse, particularly to help ensure that they were rehabilitated rather than doubly victimized.

93. Mrs. EUFEMIO said that one particular aspect of the research that had been recommended, namely, the identification of attitudinal biases and negative aspects of culture and tradition that could impede the promotion of the rights of the child, should be used as a basis for experimenting with strategies and developing new programmes that would promote the preventive approach referred to by the Uruguayan delegation. She also suggested that the plan of action should be updated to include not only health, education, social security and assistance to children in difficult circumstances, but also the promotion of civil rights and freedom of children to participate. Since funds were necessarily limited, certain populations should be specifically targeted and the precise number to be benefited should be part of the plan.

94. The CHAIRPERSON said she was sure that the Uruguayan delegation realized that the purpose of the Committee's observations, suggestions and recommendations was to help the Government improve its action on behalf of children in accordance with the provisions of the Convention.

95. Mr. BONASSO (Uruguay) assured the Committee that everything that had been said would be reflected upon and shared with the different sectors involved in the care and education of children. He thanked the Committee for its understanding and helpful approach.

96. Mrs. RIVERO (Uruguay) thanked the Committee for its careful and knowledgeable consideration of the Uruguayan report. She was particularly grateful to the Centre for Human Rights for its willing and efficient cooperation with her delegation.

The meeting rose at 1.10 p.m.

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Thirteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 328th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 October 1996, at 3 p.m.

Chairperson: Mrs. SARDENBERG

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* No summary record was prepared of the second part (closed) of the meeting.

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GE.96-18418 (E)

The meeting was called to order at 3.25 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 7)

1. The CHAIRPERSON invited Mrs. Fournier de Saint Maur (INTERPOL) to describe the work being done by the International Criminal Police Organization to combat offences against minors.

2. Mrs. FOURNIER de SAINT MAUR (INTERPOL) said that INTERPOL's Standing Working Party on Offences against Minors had first been established in 1992, under resolution AGN/61/RES/10 at the sixty-first INTERPOL General Assembly held in Dakar. The Working Party had held its eighth session from 28 to 30 August 1996, in parallel with the Stockholm World Congress against Commercial Sexual Exploitation of Children. The INTERPOL secretariat and the Working Party had participated over a period of some 18 months in the preparatory work for the Congress. In January 1996, in cooperation with the organization "End Child Prostitution in Asian Tourism" (ECPAT), the secretariat had organized a conference in Bangkok on police cooperation in connection with new legislation on extraterritoriality in respect of offences against children. Fifty persons representing 17 countries had taken part in the conference, together with representatives of the Crime Prevention and Criminal Justice Service. The conference had enabled the problems involved in implementing those new provisions to be more clearly appreciated and had brought out the need for closer cooperation among the member countries, inter alia, through liaison officers posted abroad and the INTERPOL Bureaux in the countries concerned.

3. The 8th meeting of the Working Party had drawn attention to a number of specific measures, particularly the establishment in the secretariat of a database of persons who had committed offences against minors. In addition, the Working Party had encouraged member countries to set up registers - to be accessible, of course, only to police forces - for the follow-up of persons sentenced for paedophilia. The Working Party had also begun work on a guide for the use of police officers specializing in that type of offence. The guide was intended to serve as an instrument in the technical, legal and psychological training of investigating officers. It was expected to be ready for the next meeting of the Working Party, to be held from 6 to 8 May 1997 in Thessaloniki (Greece).

4. INTERPOL also had a fairly large database of persons found guilty of sex crimes, in particular. The database was fed by information from the police and judicial authorities of INTERPOL's 176 member countries. INTERPOL also had machinery whereby descriptions could be issued of criminals wanted throughout the world and of persons suspected of having committed offences abroad. The machinery enabled individual notices to be sent to all INTERPOL bureaux with descriptions of all the distinguishing features and the way such persons operated. Those notices, published at the request of member countries, were a very useful working tool at the international level. Their use by the police forces of member countries in the search for missing children and paedophiles was to be the subject of a forthcoming study which would seek to determine whether they were being correctly utilized and put to the greatest advantage.

5. INTERPOL had been represented at the World Congress Against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996, by its President, its Secretary-General and the specialist officer of the secretariat in charge of that type of crime. The INTERPOL initiatives, the technical innovations for the international exchange of information and the activities of the Working Party had been welcomed with satisfaction. Several heads of Government delegations, including those of France and the United Kingdom, had publicly commended the effectiveness of the Working Party and urged it to continue its efforts.

6. Two resolutions were to be submitted for adoption by the next INTERPOL General Assembly, to be held from 23 to 28 October 1996. One dealt with action to combat offences against minors and the other with the prevention of the traffic in child pornography. The resolutions specified the measures which each member country should take if it wished to deal effectively with that type of crime. The recommendations accompanying the resolution entitled "The improvement of international police cooperation in action to combat offences against minors" were the outcome of careful and detailed consideration by the Working Party and should not remain a dead letter. Accordingly, by the end of 1996, the secretariat intended to start a project to evaluate the effect of the resolutions submitted and the action taken in each country. It was hoped that each INTERPOL Bureau would be in a position to send the secretariat a survey covering the measures already applied in each country, those which would need legal or technical modification and those which could not be applied, together with the reasons why. Such a survey was essential to enable the Working Party to continue its work successfully. A report would be prepared on completion of the study and its conclusions submitted to the next General Assembly in 1997. The project would be the best indicator of the effectiveness of the recommendations put forward and the steps actually taken by each member country.

7. Since its establishment, the Working Party had successfully carried out the task entrusted to it by the General Assembly in Dakar in 1992. The interest shown in the secretariat and the Working Party by the media and in political circles after the Stockholm World Congress demonstrated the importance of the role played by INTERPOL.

8. In March 1997, INTERPOL would organize an international conference at Buenos Aires (Argentina), one of those parts of the world where the situation of children was particularly difficult. The conference was a response to the needs expressed by the Latin American countries and would target their police forces in particular. INTERPOL hoped to make those countries more aware of the situation of children and provide them with a response in respect of action by the police, from both the decision-making and operational point of view. To that end, it was inviting the various United Nations bodies working in the field, including the Committee on the Rights of the Child, to participate together with non-governmental organizations, which were the only ones in a position to provide it with a clear idea of the situation in the countries of the American continent. The organization of that international conference demonstrated INTERPOL's determination to act in line with the recommendations of the Stockholm Congress. In conclusion, she emphasized that INTERPOL was very interested in the work on the optional protocol to the Convention on the Rights of the Child and surprised at not having been invited

to take part in it with a view to contributing its own experience in dealing with crime and the legal solutions to it. She hoped that the Committee would bear INTERPOL in mind in future.

9. The CHAIRPERSON commended INTERPOL's efforts to combat offences against minors and stressed that it had a special role to play in helping countries deal with that type of offence. She hoped that all the specialized agencies of the United Nations would join their efforts to ensure that the international conference in Buenos Aires was a success.

10. Mrs. SANTOS PAIS said that the presence of Mrs. Fournier de Saint Maur at the meeting brought out very clearly the common desire of the Committee and INTERPOL to ensure that measures were taken to combat offences against children. She particularly welcomed the establishment of a database of persons who had committed crimes against children, a register for the follow-up of paedophiles already sentenced and machinery to issue descriptions of internationally wanted criminals and for use in searching for missing children. Such measures would help in the campaign against situations in which children became increasingly invisible victims, in apparently normal situations that were not acceptable. She also stressed the importance of the study to be made in the near future of the legislative measures adopted by States to combat those offences. The results of the study would be of great importance to the Committee in its consideration of the periodic reports of States parties and she hoped that INTERPOL would in due course transmit them to the Committee.

11. Mrs. FOURNIER de SAINT MAUR (INTERPOL) assured the Committee that the results of the study would be communicated to it in due course, as part of the cooperative relationship between the Committee and INTERPOL.

12. The CHAIRPERSON referring to the forthcoming conference in Buenos Aires, emphasized how important it was for States to take account not only of human rights training for police forces, but also of training in the rights of the child. On behalf of the Committee, she requested that information should be provided in that connection. Also on behalf of the Committee, she thanked the representative of INTERPOL for her statement.

The public part of the meeting rose at 3.45 p.m.

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Thirteenth session

SUMMARY RECORD OF THE 329th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 October 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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GE.96-18443 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of United Kingdom Dependent Territories: Hong Kong
CRC/C/11/Add.9 and Corr. 1 (English only); HRI/CORE/1/Add.62;
CRC/C/Q/UK(HK).1)

1. At the invitation of the Chairperson, Mr. Wingfield, Mr. Fifoot, Mr. Ng Hon-wah, Mr. Deane, Mr. Leung, Ms. Pun, Ms. Hui, Ms. Ip, Sir John Ramsden, Ms. Foulds, Mr. Wells and Mr. Booth (United Kingdom) took places at the Committee table.

2. Mr. FIFOOT (United Kingdom) said that the great majority of the matters dealt with in the Convention were the direct responsibility of the Hong Kong Government. Furthermore, the Joint Declaration and the Basic Law would ensure that Hong Kong enjoyed a considerable degree of autonomy in the future. The United Kingdom delegation included representatives of the relevant departments of the present Hong Kong administration, who would reply to questions within their purview. He would deal with questions relating to matters for which the United Kingdom was directly responsible.

3. Mr. WINGFIELD (United Kingdom) said that preparation of the report had been an opportunity to take stock of the extent to which effect was being given to the Convention in the Territory. Since health and education were among the best indicators of general well-being in children, Hong Kong's low infant mortality rate of 4.7 per thousand live births in 1995 was noteworthy. Comprehensive medical and health services that were either free or charged at very low rates represented 10.8 per cent of total public expenditure and included a free comprehensive immunization programme for children.

4. Education received 17.5 per cent of the total budget. Full-time education was free and compulsory for all children between 6 and 15 years of age. Ninety per cent of children completed upper secondary education or equivalent vocational training. Eighteen per cent of the relevant age group went on to tertiary education. Grants and loans were provided to university students to ensure that no student would be deprived of education for lack of means. A number of areas where new initiatives were being implemented or were under active consideration to improve the physical and mental well-being of children were also mentioned in the report.

5. The United Kingdom had extended the Convention to Hong Kong in 1994, subject to two declarations and four reservations. Following a review, it had been decided to maintain those measures for the present, since there were continuing local circumstances to be taken into account. For example, juvenile offenders were generally defined in Hong Kong as offenders between the ages of 14 and 21, so that offenders between the ages of 14 and 18 might be detained in institutions together with offenders aged between 18 and 21, but were separated from adult offenders over 21 years of age. Since there were no immediate plans to alter those arrangements, the reservation to article 37(c) was maintained. In the case of article 32, consideration was

being given to introducing regulations on hours of employment of young persons who had attained the age of 15 years in respect of work in non-industrial establishments.

6. Over 13,000 Vietnamese migrants remained to be returned to Viet Nam under the Comprehensive Plan of Action; the number of arrivals had recently been increasing. That continuing problem might hamper the full implementation of the Convention. Secondary education for Vietnamese migrants, which had been covered in the list of issues, was continuing with International Social Services providing teachers and textbooks and the Hong Kong Government contributing to the costs involved. A further recent development had been the agreement of the Joint Liaison Group that the provisions of the Hague Convention on the Civil Aspects of International Child Abduction should be extended to Hong Kong with a view to its continued application after 1 July 1997.

7. Hong Kong law was consistent with the Convention in that the age of majority, when the individual attained full legal capacity and the right to vote, was 18. The limiting age for the protection of children was also 18. However, in other areas such as detention of young offenders, consent to marriage, criminal responsibility and compulsory education were subject to other limiting ages.

8. Compliance with the Convention was ensured by the rule of law, supervised by an independent judiciary, by the enactment of the Bill of Rights Ordinance, by a wholly elected legislature and by an independent and vigilant press. Consequently any Government act or omission with human rights implications was examined by the media and the legislature and, in the last resort, by the courts. The successful implementation of the Convention required the compliance of the community as a whole; active efforts were being made to promote such community involvement.

9. The initial report would also be the last before sovereignty over the Territory reverted to China on 1 July 1997. Matters relating to the continued application of the Convention to Hong Kong, including reporting arrangements, were being discussed between the United Kingdom Government and the Chinese Government through the Sino-British Joint Liaison Group.

10. Mr. KOLOSOV said that one purpose of the Committee's dialogue with reporting States was to make recommendations for further action. Since the transfer of sovereignty over the Territory to China would take place during the next reporting period, he asked to what authority the Committee's recommendations and suggestions should be addressed.

11. Mr. HAMMARBERG welcomed the fact that secondary education was continuing for Vietnamese migrants and the provisions of the Hague Convention would be applied in Hong Kong. He asked what proportion of its time the Joint Liaison Group gave to the discussion of children's issues. The Committee's aim was to encourage the withdrawal of reservations to the Convention, in view of the fact that the instrument had been unanimously adopted by the United Nations General Assembly after lengthy consultation; furthermore, the World Conference on Human Rights held in Vienna in June 1993 had recommended that the States parties to the Convention should review their position on reservations to it.

The fact that exceptions to the standards agreed to by the world community still existed pointed to a need for an in-depth discussion of the problem in order to find a solution.

12. Article 4 was a major provision of the Convention. It was therefore essential that the administrative authorities of a State party should be so organized as to ensure that the Convention was fully implemented in practice. Three criteria governed that ability. The first was that there should be an effective coordination mechanism to ensure that all bodies involved contributed effectively to implementation. A fragmented approach meant that different aspects of the rights of the child were handled by different bodies or structures, thus precluding a coordinated and comprehensive approach to children. How was Hong Kong dealing with that aspect? The second criterion was that an independent authority should be made responsible for monitoring the performance of the various bodies and structures implementing children's rights. Many countries had given that independent monitoring role to ombudspersons or to a commission or commissioner. Had any consideration been given by the United Kingdom to establishing a public monitoring structure that would serve as an official complement to the watchdog efforts of the media? The third criterion was that the authorities should have a constructive approach to non-governmental organizations working in the field of children's rights. Many Governments had established a special forum to provide an arena for such discussion. It was noted that a number of non-governmental organizations had not been very happy with the level of consultation with the Hong Kong authorities when the report was being prepared. Perhaps some thought might be given to improving matters in that regard.

13. Some legislation such as the Parent and Child Ordinance, 1994, had been introduced in Hong Kong with a view to implementing provisions of the Convention, but it did not appear that a comprehensive review of all legislation had taken place, as had been done by many other Governments in the same circumstances. Perhaps that approach might be reconsidered in the light of the innovative aspects of a number of the principles embodied in the Convention.

14. He asked what efforts were being made to ensure that persons who worked with children on a daily basis, such as doctors, nurses, social workers, teachers and others, received adequate training in the latest thinking on the rights of the child.

15. Mrs. SARDENBERG asked whether any surveys had been carried out in Hong Kong to review the situation of children in society and how they were perceived and treated by the family, at school and by the authorities. The Convention was concerned that a comprehensive view of the child should be created. In relation to the written reply to question 4 of the list of issues, she asked why it had been decided that 15 to 19 should be the age group for the collection of statistics. Statistics for the age groups below 18 had to be compiled to allow the problems of the child to be dealt with in an integrated way so that comprehensive policies could be drawn up.

16. The report provided much factual information, but had dwelt very little on areas in which difficulties were being experienced. In view of the fact that non-governmental organizations had not been widely involved in the

preparation of the report, she asked what the relationship of the authorities was to the non-governmental community and to what extent that community was given the opportunity to make suggestions for the formulation of policies and strategies relating to children.

17. Mrs. KARP stressed that the general public perception of the child was important because it also affected the way the professions dealing with children, such as medicine, education and the law, regarded and treated them. She asked whether, in the general cultural background of Hong Kong, the child was perceived by the general public as a human being with individual rights entitled to express individual views rather than as property or as a person requiring protection.

18. Mr. MOMBECHORA, noting that there were a number of ethnic groups living in Hong Kong, the largest of which was the Cantonese community, asked whether any guarantees were in place to ensure that, following the transfer of sovereignty, the cultures of those groups would be respected and permitted to follow their own lines of development.

19. Mr. FIFOOT (United Kingdom), replying to Mr. Kolosov, said that any suggestions and recommendations made by the Committee at the present meeting would necessarily have to be submitted to the United Kingdom, as the authority currently responsible for the Territory. However, there would be a continuing administration that would span the period of transfer of sovereignty and would be expected to bring to the attention of the new sovereign power any outstanding issues that had implications beyond 1997. The issue of the Convention and the reservations to it were already subjects of discussion in the Joint Liaison Group.

20. Mr. WINGFIELD (United Kingdom) said that the United Kingdom continued to consider that the establishment of an independent monitoring commission would not be in the public interest. Responsibility for the various areas covered by the Convention was so broad that the establishment of a single body would detract from the responsibilities of the authorities directing various areas of policy. In education, for example, it would not be considered beneficial to separate the issues of child education and adult education.

21. Non-governmental organizations working in the area of children's rights were represented on almost all consultative bodies and thus had an opportunity to advise the Government on policy matters or draw its attention to areas that were being overlooked. Such constructive dialogue was valued by the Government.

22. The demand for review of various aspects of legislation in Hong Kong was very great at the present time. It had therefore been considered more productive to confine efforts to identifying areas of the law that required substantial reform. The Children's Act, for example had dealt primarily with the relationship between parent and child rather than covering every area dealt with by the Convention. Two areas where legislative reform was currently under way were adoption and the custody of children.

23. The best interests of the child formed a large part of the training programme for both doctors and social workers, especially with regard to the identification of child abuse, which teachers of course were also concerned with and trained to identify.

24. No specific study had been undertaken of basic attitudes towards children, either in families or on the part of the Government, but any recommendation to that effect would be taken into account. His impression was that the people of Hong Kong regarded their children very highly and certainly not simply as property. The Government regarded them as persons with rights of their own as well as in the light of their relationships with parents. The report made it clear that, should such a relationship seem to have broken down, the Government would intervene if it appeared to be in the child's best interest that he should be removed from the family, or that the relationship should be supervised.

25. Breaking statistics up into five-year spans had no special significance and figures could be provided with a cut-off point of 18 years. The need for such a cut-off point had not been felt hitherto, given that the interest of the subjects of the statistics did not cease at the age of 18.

26. Broadly speaking, the courts adhered to the principles of the Convention. Professionals employed in the system had usually been trained in the United Kingdom and had the same standards as lawyers and judges there.

27. As far as possible cultural differences between Hong Kong and the rest of China were concerned, he emphasized that the whole concept of "one country, two systems" was that Hong Kong should continue to have its own system of laws. For example, the International Covenant on Civil and Political Rights would apply in Hong Kong after 1997 even though China was not a party to it. There was no reason to believe that there would be any conflict between the culture of Hong Kong as it existed at the moment and the culture of the mainland. Indeed, everything suggested the opposite.

28. Mr. HAMMARBERG said that it would be interesting to know how the Committee's concluding observations would be conveyed and in what forum they would be discussed. Would they be presented to the Joint Liaison Group? What issues were already being discussed in that Group in the light of the Convention? Had there been any discussion with the Chinese on the interesting and legally complicated issue of reservations to the Convention?

29. Doubt had been expressed that an independent monitoring body could be helpful, given the very broad area covered by the Convention. He would note, however, that a number of countries were trying to establish systems for the monitoring of the performance of the executive branch in respect of the rights of the child as set forth in the Convention. Monitoring and actual responsibility for the implementation of the Convention were two different things and the point of a monitoring body was that it should be a separate organ which would report publicly what it had found from the point of view of implementation. He suggested again that serious consideration should be given to establishing some kind of independent monitoring system.

30. With regard to the dialogue with NGOs, some thought might well be given to the possibility of holding continuous consultations, along the lines already adopted in many countries. It was important to see the Convention as a check-list from which every country had something to learn. Even the most advanced countries could profit from the experience of other parts of the world. Coordination, independent monitoring and opening the door to civil society were all areas in which improvements could be made in every country.

31. The Convention contained no instructions on how its provisions were to be reflected in national legislation, but simply required that there should be such a reflection, to be effected by various means. It was a good idea, when a country ratified the Convention, for an overall review to be made of all relevant pieces of legislation to see if they were in keeping with it. The various Ordinances which had been referred to had been produced at different times and it might therefore be useful to see whether they were coordinated among themselves as well as in relation to the Convention. The four great general principles of the Convention, including the best interests of the child, should permeate all the relevant legislation. The United Kingdom's own Children's Act need not necessarily be taken as a model. Another solution could be chosen, but a comprehensive review should be made even if it was followed by a continuation of the piecemeal approach already described. The purpose of the review was to see what gaps there were and what problems needed to be faced.

32. Mrs. KARP said that a review of the kind recommended in the case of the Convention had been carried out after the adoption of the Bill of Rights Ordinance. The Convention constituted a bill of rights for children and should be regarded in the same way. In the special situation of Hong Kong, it was important to provide a legislative environment for the future and an effort to ensure that the Convention was properly reflected in the legislation would help to smooth the transition.

33. She asked whether the efforts to integrate the Convention into school curricula and the campaign to make children aware of it had been evaluated at all. Were teachers involved in the campaign and had there been any discussion of problems experienced by them in that connection? What were the interim conclusions regarding the campaign's results? She would like to see a copy in English of the special school kit.

34. She also asked what degree of independent capacity was enjoyed by children to bring requests for the redress of any infringement of their rights before the courts. Could a child apply to the courts without the consent of his parents and could he sign a power of attorney to enable a lawyer to bring the request on his behalf? Had any court decisions been handed down in that connection?

35. Mrs. EUFEMIO asked whether any statistics were available concerning the implementation of children's civil rights and freedoms, freedom of expression, association, the right to appropriate information, and so forth. Those rights and freedoms were a new departure in the field of child welfare.

36. She would also like some figures regarding the extent to which the Convention had been publicized. Had the number of copies printed been enough for the whole population of parents and children? Had a more readable version of the Convention been made available to the public at large? She understood that there had been efforts by the media and some NGOs to make the public aware of the provisions of the Convention. Were the professionals involved, such as teachers and social workers, trained to use statistics or other indicators in evaluating their own performance?

37. Mrs. MASON said that she had been struck by the proliferation of working groups, committees and advisory boards, all directed towards improving the position of children in Hong Kong. In its response to the question about the effectiveness of those institutional arrangements in coordinating the implementation of policies on the rights of the child, the Government had stated that the arrangements resulted in practicable policies which struck a balance between the differing interests. She would like to know how that had been done. Did the various groups collaborate with each other and make joint plans that had an effect on the system as a whole? What body or ministry had overall responsibility for collating all the information available in order to determine whether the system was effective? Was there any duplication of effort? For example, there was a working group on child abuse and another on battered spouses which was also largely concerned with children. How did the two collaborate? Also, given the high value attached to children by the Government and society of Hong Kong, how far did children themselves participate in those various groups? Was there any outlet for the voice of the children?

38. Mrs. SARDENBERG said that it was important for the delegation itself to draw attention to problems and obstacles, which it was difficult to identify on the basis of the report. In respect of basic attitudes to children, for example, she had found no reference to the contribution that children might make to the shaping of society. Was the high regard for children reflected in providing possibilities for them to put forward their own views? The Committee had been told that no surveys had been made so far of the way in which children were perceived and it was important that that should be done. When children were allowed to give their own views, it was possible to identify areas that had not yet been covered.

39. With regard to information and statistics, she asked whether any thought had been given to the possibility of establishing a centralized system with the Convention itself as the point of departure and arrival. The Committee had been studying the systems adopted by different countries in that regard and she would like to hear the United Kingdom delegation's reaction to that possibility. Could the current statistics be updated in the light of the way in which the child was perceived in the Convention? Had any studies and surveys been made of such specific problems as child abuse?

40. Mr. FIFOOT (United Kingdom) said that the Committee would appreciate that, in the context of a change of sovereignty, a wide range of matters had to be discussed. The Joint Liaison Group had a vast agenda covering many elements. One important question among many was that of succession to international obligations and treaties. That topic had been canvassed extensively in the discussions on the Joint Declaration itself and the Liaison

Group was currently discussing the question of reservations to the Convention. The Committee would not expect him to give details of those discussions. Such matters were confidential in all negotiations of that kind until the States concerned were ready to make an announcement. He was therefore not in a position, for the time being, to convey the results of the conversations.

41. As to whether the Committee's recommendations were likely to be discussed in the Liaison Group, it would seem that the Committee's suggestions and comments would essentially be matters that would be taken on board by the individual departments concerned, in the normal course of administration, and reflected in departmental discussions. He did not think that the Committee's observations would necessarily be matters for discussion by the two Governments at the current stage.

42. Mr. WINGFIELD (United Kingdom) said that he had taken note of the distinction between responsibility, on the one hand, and monitoring, on the other, but had nothing to add to what he had already said in that connection. Clearly, any observations by the Committee would be closely studied. The Government very much welcomed the contribution of NGOs and hoped that those organizations regarded their dialogue with it as useful. The Government was ready to consider any complaints they might have.

43. As far as a comprehensive review of the legislation covering the area of the Convention was concerned, his response might have been misleading. Such a review had in fact been carried out, when the extension of the Convention to Hong Kong was being considered, with a view to discovering what legislative and administrative practices might need to be amended. There had thus been a review of Hong Kong law and practice and the view had been taken that the question of introducing new legislation was covered by the Parent and Child Ordinance. Experience with the Bill of Rights Ordinance, whereby the International Covenant on Civil and Political Rights had been made justiciable in the courts of Hong Kong, showed that, no matter how much prior review was carried out, not all the gaps were discovered, so any review had to be a continuing one. The view taken at the time in relation to the Convention might need refinement, but it had been thought then that sufficient amendments had been enacted to cover the position.

44. On the question of publicizing the Convention, he regretted that the school kits referred to were available only in Chinese. The involvement of teachers in the dissemination of those kits had been crucial and was clearly described in the reply to the question in the list of issues. As far as the dissemination of the Convention to the general public was concerned, the text had been distributed to district offices and public libraries and copies of the Convention and the initial report were available free of charge to anyone who requested them. Both the Convention itself and the report made somewhat heavy reading and an abridged illustrated guide had therefore been prepared, 30,000 copies of which had been published. Twenty thousand of those had already been distributed to schools, libraries and voluntary agencies. A cartoon series had also been produced for kindergarten children and advisory information had been broadcast on television. There had thus been

a comprehensive attempt to make children and the general public aware of the Convention and its success could be measured through a comparison with the publicity normally given to Government publications: the normal run of the Hong Kong Government Gazette was 4,300 copies.

45. It was difficult to provide statistics on the enjoyment of rights and freedoms, but the Government conducted biennial civic awareness opinion surveys to assess the public's understanding of its rights and freedoms. A specific question on rights and freedoms would be added to the 1998 survey.

46. Each aspect of the Convention was covered by a policy secretary, who had overall policy responsibility for that particular issue and through whom input from other government departments were channelled. Contributions from NGOs were submitted through advisory committees.

47. Two separate committees, including NGOs, had been established to investigate issues relating to battered spouses and child abuse and they prepared their own statistics. The Hong Kong Government had recognized that coordination between professionals, particularly in relation to child abuse, was an essential element for ensuring the welfare of the child. To that end, the Social Welfare Advisory Committee, which was composed of professionals working in that field, had been set up under the chairmanship of the Director of Social Welfare. In addition, the Government had funded five research projects on child welfare, conducted by various Hong Kong universities.

48. The delegation looked forward to the Committee's concluding observations and recommendations on the potential contribution of children to public consultations through their participation in working groups and committees.

49. Under Hong Kong law, persons under 18 years were regarded as being under a legal disability and could not institute legal proceedings without assistance. The practice in Hong Kong was that a guardian or other independent person, such as the official solicitor, represented the child in such proceedings.

50. Mr. HAMMARBERG asked how broad and systematic the review of the legislation on the Convention's extension to Hong Kong had been. The Committee wanted to determine how much importance States attached to the message and obligations provided for in the Convention, but the report submitted by the Hong Kong Government contained no policy statement on the priority it gave to children. He therefore wished to know what the driving force behind the protection of children's interests in Hong Kong was.

51. Mrs. KARP said that it was very important for Hong Kong to have a holistic perception of the Convention in order to avoid a fragmented approach to its implementation. Integrated legislation on children would enhance the effectiveness of the administrators and professionals dealing with issues relating to children.

52. In view of the complexities of human rights education, had the Government evaluated its public awareness campaigns?

53. Miss MASON requested further information on the dissemination of the Convention and asked whether a system of public discussion had been set up. Which aspects, issues and principles of the Convention had aroused the most curiosity and discussion? Did schoolchildren participate in those discussions and, if so, what were their reactions?

54. Mr. WINGFIELD (United Kingdom) said that the review of the conformity of domestic legislation with the Convention had been conducted internally, under the auspices of the Attorney-General's Office, but the results of that review had not been published. There had also been no evaluation of the impact of publicity campaigns or public discussion of the Convention, but a survey would be conducted to determine the level of public awareness and acceptance of the provisions of the Convention.

55. Mrs. KUFEMIO said that data collection and the formulation of indicators were useful in monitoring the implementation of the individual articles of the Convention. Did Hong Kong plan to carry out studies on the formulation of indicators?

56. She also asked whether the data gathered in biennial surveys were broken down in such a way as to obtain information specifically relating to children and the protection of their rights.

57. Mr. KOLOSOV said he was concerned that the Convention might no longer be applicable to Hong Kong after July 1997, when Hong Kong would be subject to the jurisdiction of China. That concern was based on a provision of the Joint Declaration which stated that international instruments would be applicable to Hong Kong only after a special decision to that effect had been taken by the Chinese Government. He did not believe that the United Kingdom Government would be able to follow up on the Committee's concluding observations and recommendations in the period before the takeover of Hong Kong by China. He therefore wondered whether it was still possible for the Governments of the United Kingdom and China to negotiate an arrangement to ensure that the Convention was applicable to Hong Kong after July 1997.

58. The CHAIRPERSON invited the Committee to ask questions about the sections of the list of issues entitled "Definition of the child" and "General principles".

59. Mr. HAMMARBERG said that, although the Convention did not specify the age of criminal responsibility, the age limit in force in Hong Kong was very low in comparison with the majority of States parties to the Convention. He wondered whether the Government had considered a review of that age.

60. Mr. MOMBESHORA said that he would like information on reports of discrimination against mentally and physically handicapped persons in education, employment and the provision of services and against women in employment and salary-related issues. He asked what protection was provided for those vulnerable groups and whether persons found guilty of discrimination were prosecuted as a matter of routine or only in isolated cases.

61. Mrs. KARP asked whether Hong Kong legislation stipulated a minimum age for the admissibility of evidence given by children. Were there any

conditions of corroboration that affected admissibility and what implications did they have in cases of domestic violence and sexual abuse?

62. She asked whether medical doctors were reluctant to treat young adults, out of fear that parents might bring legal action against them. To what extent were the courts involved in such cases? Was there any protection for children against unethical medical professionals and was there a monitoring system to guide them in their choice of a doctor?

63. Mrs. SARDENBERG said that, although Hong Kong's indicators for literacy were very high, there was a discrepancy between the literacy rates of men and women. She asked the delegation to explain why that was so and whether any specific measures had been taken to bridge the gap.

64. She requested information on the mandate of the Commission on Equal Opportunity, the prospects for the promotion of women their representation in Hong Kong's administration and their participation in decision making. She wished to know why there was a problem of suicide among girls and whether the Government had made any effort to deal with it.

The meeting was suspended at 12.10 p.m. and resumed at 12.15 p.m.

65. Mr. FIFOOT (United Kingdom), replying to the question raised by Mr. Kolosov, said that, at present, matters which were the concern of the Convention were the direct responsibility of the Hong Kong Government and it was the Hong Kong Government's legislative and administrative processes which gave effect to the Convention's provisions. He did not expect that that situation would change very much with the transfer of sovereignty because the matters dealt with in the Convention fell within the areas which the Joint Declaration had declared to be within the autonomy of the Hong Kong Special Administrative Region. It was likely that, in the administration that would succeed the current one, the same department, probably staffed by the same persons, would be responsible for considering the Committee's recommendations.

66. He pointed out that China was in fact a party to the Convention, although not to other human rights conventions, and the discussions currently being held were based on the assumption that China would continue to implement the Convention in Hong Kong as well as in its other territories.

67. Mr. WINGFIELD (United Kingdom), replying to Mrs. Eufemio, pointed out that, whereas statistics on the extent to which a child enjoyed freedom of speech would be extremely difficult to compile, it would be easier to conduct a survey on attitudes about whether or not the Convention was affecting freedom of speech and the Government in fact planned to add a question on that subject to the civic awareness surveys conducted every two years. As stated in the report, the dissemination of the Convention was ensured by providing copies of the text free of charge to all those who requested them.

68. On the point raised by Mr. Hammarberg, he was not able to say immediately how the cases in question had been disposed of, but would provide an answer later in the session. On the issue of criminal responsibility, a child could be prosecuted only if the prosecutor could prove that it had been aware that its act was seriously wrong and not merely mischievous; any doubt on that

score would be to the child's benefit. Unfortunately, statistics showed that there had been a number of cases in which young children had been charged with crimes.

69. On discrimination, there was some overlapping between the Bill of Rights Ordinance and the Convention, but the former was binding only on the Government and other public authorities and did not affect the private sector. The Disability and Sex Discrimination Ordinances, on the other hand, did apply generally in Hong Kong, but, since they had only just entered into force, it was too early to say what effect they were having or to provide any examples of how they operated in practice.

70. Mrs. Karp's question on the minimum age for giving evidence was answered by paragraph 36 of the report, which stated that the evidence of a child under 14 years of age should be given unsworn and that corroboration from other material evidence was not necessary for a conviction. In practice, children as young as five years of age had given evidence in sex abuse cases, but measures had now been taken to ensure that the privacy of such children was protected.

71. It was very difficult to provide general answers about the consent of a child to medical treatment because the extent to which a child's consent would be acceptable would largely depend on the seriousness of the medical procedure involved. There was a natural reluctance on the part of doctors to operate on a child without the parents' consent, partly because, if the operation went wrong, the fact that it had been conducted without valid consent could lead to a civil claim. The courts could be asked to intervene either when there was no one to give consent or when parents refused consent in cases where an operation was deemed essential to prevent death or serious harm to the child. Such a procedure came within the wardship jurisdiction of the High Court and an order authorizing the operation could be obtained from a judge within a matter of hours.

72. In reply to the question on discrepancies in literacy rates, he explained that the population of Hong Kong consisted mainly of persons of Chinese origin, some 64 per cent of whom had been born there and some 34 per cent of whom had come there from China. The discrepancy might have arisen not so much because of defects in the Hong Kong educational system as because many of those now of adult age had come to the territory from China. The rates quoted had not been broken down by age and he would suspect that a disproportionate number of women of 65 years and over were illiterate simply because of the attitudes to the education of girl children which had prevailed 50 or 60 years before.

73. Again, the Equal Opportunities Commission had only just been established and it was too early to expect it to show results. However, he pointed out that the post of Chief Secretary, the highest in the administration below the Governor, was in fact occupied by a woman and women were already well represented in responsible positions in the civil service and in the professions.

74. Mr. KOLOSOV thanked the delegation for the explanations given, but said they did not allay his concerns. According to the Presidential Decree, the

Chinese Government would be responsible for foreign affairs relating to the Hong Kong Special Administrative Region, which meant that China, not Hong Kong, would be reporting to the Committee in the year 2001. The implementation of the Convention in Hong Kong would be subject to the agreement of the Chinese Government. In the absence of that agreement, it might well be that China's report would contain no information on Hong Kong on the pretext that no decision had been taken on whether or not the Convention applied to it and all the discussions now taking place would have been a waste of time. Although Hong Kong might feel morally bound by the Committee's recommendations, legally, it would not be under any obligation to implement them and the Committee would not be entitled to obtain any additional information in the interim.

75. There was still time, through the Joint Consultative Liaison Group, to negotiate with the Chinese Government to persuade it to recognize the Convention's applicability to Hong Kong and he urged the United Kingdom Government to make every effort to ensure that those negotiations were successful.

76. Mr. FIFOOT (United Kingdom) said the United Kingdom Government had entered into an agreement with the Chinese Government which it hoped would be carried out in good faith. As he had already pointed out, under that agreement, the issues covered by the Convention fell within the high degree of autonomy enjoyed by the Hong Kong Special Administrative Region and he expected that would be the case after July 1997 and would continue to be the case when the next round of reporting to the Committee took place. Negotiations now being held with China on the question of reservations were based on that understanding.

77. The principle underlying China's relationship with Hong Kong was to be that of "one country, two systems" and it was therefore likely that there would be two systems in a number of areas of legislation after 1997. Any report by China on its implementation of the provisions of the Convention should, if made in good faith, provide for or give effect to the concept of "one country, two systems". That was his delegation's expectation of how the agreements entered into would apply.

78. The CHAIRPERSON said the Committee hoped the delegation would bear in mind the concern expressed on the matter and that, following negotiations in the Liaison Group, arrangements could be made to guarantee that the Committee's recommendations were implemented in Hong Kong.

79. Mr. HAMMARBERG said that, in his view, the age of criminal responsibility set by Hong Kong was too low. Although it was stated that, for children between 7 and 11, there would be an assessment of whether the crime committed was understood by the child to be seriously wrong, that was an unsatisfactory solution. The mere fact of having to go through such an assessment procedure was burdensome for a child of such a young age. Even cases where the child was aware that its action was wrong might well reflect the fact that it was not in full control of its situation. Very young child offenders should be seen more as victims than as culprits, since statistics showed that almost all came from difficult family backgrounds. It was misleading to speak of a "voluntary intention" to commit crime in a child of that age. The

overwhelming majority of countries had set the age of criminal responsibility much higher, and even 14 was considered low. He suggested that that aspect of the penal law should be reviewed.

80. The Committee had appreciated the explanations about the risk of discrimination against children born out of wedlock, but there was still one problem. In the case of a child born to an unmarried couple, where the mother had no residence permit, the residency status of the child would be in doubt. Was that problem being dealt with?

81. He had been pleased to note that the concept of the best interests of the child had been enshrined in certain ordinances even before the Convention had been made applicable to Hong Kong and that legislation on adoption was now being reviewed in order to incorporate it. However, that concept should not be viewed merely legalistically, but should be a primary consideration in all actions affecting children. It was not always easy to define what was in the best interests of the child, particularly where those interests might conflict with others. The approach taken by some countries was to try to find out, before any decision was taken, what would be the impact on the child of each of the various options. Had the Government analysed the implications of article 3 of the Convention in that regard?

82. Mrs. KARP asked how the concept of the best interests of the child was applied in practice in the case of Vietnamese asylum-seekers. As she understood it, the problem was chiefly a budgetary one.

83. Mr. WINGFIELD (United Kingdom) said the requirement that the prosecutor should prove that the child was aware that its action was seriously wrong applied up to the age of 14, and not only up to 11. At present, no review of the age of criminal responsibility was contemplated, but his delegation would take careful note of the Committee's concerns on the matter.

84. The status of illegitimate children in relation to right of abode in Hong Kong derived indirectly from the British Nationality Act of 1981, under which a child born out of wedlock derived nationality from the mother and not the father. If the mother at the time of the child's birth was not ordinarily resident in Hong Kong, the child did not acquire citizenship or right of abode in Hong Kong.

85. It was very difficult to assess after the event the extent to which an actual decision had been in the best interests of the child, although the courts were enjoined to ensure that that was made a paramount consideration. It was essentially a matter of judgement on the part of the court, social workers and parents. On the question of Vietnamese children, it was generally recognized that the arrival in Hong Kong of migrants from Viet Nam gave rise to many problems, and not only budgetary ones. If children were perceived as having the right of free access to Hong Kong, more Vietnamese parents were likely to put unaccompanied children on boats bound for the Territory. In such cases, the Government relied on the advice of UNHCR and the High Commissioner's recommendations were taken extremely seriously.

The meeting rose at 12.55 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 330th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 October 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

later: Mrs. EUFEMIO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of United Kingdom Dependent Territories: Hong Kong
(continued)

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GE.96-18450 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of United Kingdom Dependent Territories: Hong Kong (CRC/C/11/Add.9 and Corr.1 (English only); CRC/C/Q/UK(HK).1; HRI/CORE/1/Add.62 (English only)) (continued)

1. At the invitation of the Chairperson, the members of the United Kingdom delegation resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to put their questions on the exercise of civil rights and liberties in Hong Kong to the members of the United Kingdom delegation.

3. Mrs. KARP expressed concern about the general situation of human rights legislation in Hong Kong, given that the rights of the child derived from human rights in the broader sense. It was her understanding that the Bill of Rights Ordinance had not been incorporated in the Constitution, with the result that the Ordinance, which was a key element in the system intended to ensure the exercise of human rights in Hong Kong, did not override other provisions of domestic law. She considered it regrettable that the Privy Council should have confirmed that fact, in a ruling of 1993, by deciding not to uphold the findings of a Hong Kong court which had based its decision on the Bill of Rights Ordinance. She was also concerned by China's supposed intention to repeal the Bill of Rights Ordinance when Hong Kong reverted to Chinese sovereignty. She was worried by the absence of direct remedies open to private individuals in the event of violation by public institutions of provisions of the Bill of Rights which was, consequently, not on an equal legal footing with other legislative provisions of domestic law, even when they were not in strict conformity with principles relating to human rights. In practice, that situation did not facilitate the task of the authorities in cases where it was desirable strictly to apply the provisions of the Bill of Rights.

4. She asked what measures had been taken by the authorities to provide teaching of human rights in schools. Was such teaching part of the curriculum of both State and private schools? She also inquired whether teaching fostered an independent attitude among pupils, enabling them to take informed decisions concerning the exercise of their rights.

5. Regarding the rights of the child, and particularly the child's right to an identity, she asked whether the fact that a child could be registered at birth without a name, and that a child's name could be changed up to the age of 11, was consistent with the principle of the best interests of the child, and whether such a practice was not detrimental to one of the fundamental rights of the child. She further wished to know at what age a child could request a change of name, and from what age the parents were required to obtain the child's consent to such a change.

6. Regarding citizenship, she wondered whether ethnic minorities, such as persons of Indian, Portuguese or Thai origin, would be entitled to Chinese citizenship after transfer to Chinese sovereignty and, if so, whether any

guarantees existed in that connection. She also asked whether the provision that referred to the granting of British Nationals (Overseas) status to Hong Kong citizens was embodied in any piece of legislation, or whether it was merely a declaration of intent. Would the deadline set for submission of applications for British Overseas citizenship be strictly applied or would extensions be allowed for possible late applicants? She also wondered whether the nature of the citizenship granted would involve de facto restrictions on the right to freedom of movement, since it would not permit travel to all countries.

7. She was surprised by the high proportion of child deaths by accident or suicide. Was the Government studying means to remedy that situation? She also wished to know whether legal penalties existed for parents whose children had suffered accidents while left at home alone. She further asked whether parents were prohibited from administering corporal punishment at home for educational purposes, and whether a study had been conducted to evaluate maltreatment of children in connection with corporal punishment.

8. She suggested that it would be useful for the Committee to know whether disabled children and children with other special needs were subject to de facto discrimination as a result of omissions in legislation and, also, whether the right to privacy was specifically guaranteed during criminal proceedings and whether provisions protecting the identity of the child were applied in practice. She asked, in addition, whether the right to privacy was protected in the case of the Vietnamese refugee children (boat people) living in detention centres. Finally, she requested information on the status of the proposal to create a body responsible for examining complaints by private individuals regarding police conduct.

9. Mr. WINGFIELD (United Kingdom) said that the Bill of Rights had not been incorporated in Hong Kong legislation by the United Kingdom and that it was therefore not an organic law. He explained that the purpose of the Bill was to bring current legislation into line with applicable international provisions. The Letters Patent, which were Hong Kong's Constitution, precluded promulgation of any legislation that was incompatible with the International Covenant on Civil and Political Rights. In the matter of the Privy Council's decision raised by Mrs. Karp, he stated that any interpretation of current legislation was admissible in court, provided it was compatible with the Bill of Rights.

10. Regarding China's supposed intention to repeal the Bill of Rights, he said that only three provisions of the Ordinance were involved, and not the provisions of the Bill of Rights itself. No part of the Ordinance reproducing terms of the International Covenant on Civil and Political Rights would be repealed.

11. Regarding remedies, he stated that private individuals could institute proceedings directly against the Government or against public bodies, thus ruling out the need for remedies specifically for that purpose. Concerning human rights education, he referred the Committee to paragraph 21 of the report (CRC/C/11/Add.9) containing detailed information on the subject. The report also indicated that teachers received training on the terms of the Convention and of the Covenant.

12. He explained that children were not registered immediately after being born in deference to an ancient Chinese custom to which some communities were particularly attached. Children could change their names when they came of age, but not before. China had indicated that ethnic minorities would be entitled to Chinese nationality.

13. In connection with protection of children's right to life, he said that the authorities conducted awareness-raising and information campaigns to discourage parents from leaving their children at home unattended. The authorities were also endeavouring to establish crèches and nurseries intended primarily for parents who could not afford to obtain assistance from other people. No penalties existed for parents whose child suffered an accident, unless they had deliberately maltreated the child or they were guilty of gross negligence, in order to avoid double jeopardy.

14. On the subject of discrimination against disabled children, he said that the Government did not discriminate against any group of children, and endeavoured to ensure that disabled children enjoyed the same rights and received the same services as all other children. To that end, the Government had enacted the Disability Discrimination Ordinance, which sought to protect disabled children from discrimination. However, the Ordinance had come into force only recently and it was not yet possible to assess its concrete effects.

15. He added that criminal cases tried by juvenile courts were conducted in camera and that children's names were not divulged. Regarding respect for privacy, he regretted that it was not possible fully to apply the provisions of the Convention to Vietnamese children in detention. Finally, he was happy to announce that a bill to create an independent police force was expected to be passed shortly.

16. Mr. FIFOOT (United Kingdom) drew attention to the fact that, in December 1984, China had informed the British Government that all Hong Kong Chinese, whether or not they possessed a British passport, would acquire Chinese nationality upon transfer of sovereignty. Under a bill carried by the British Parliament in 1986, all inhabitants of dependent territories could apply for British Nationals (Overseas) status, which had been recognized by the Chinese authorities, entitling them to a British passport and to the protection of the British authorities in third countries. Similarly, any person rendered stateless by the transfer of sovereignty could request British Nationals (Overseas) status. The deadline of 31 March 1996 set for registration as a British citizen of the Dependent Territory of Hong Kong applied to children and persons who were not citizens of the territory by birth or by descent.

17. Mr. HAMMARBERG asked, in connection with article 17 of the Convention regarding relations between the media and children, whether Hong Kong had a monitoring body responsible for receiving complaints and ensuring that programmes with a harmful effect on children were not broadcast. Did any agreements exist, or had discussions taken place, between the media and the authorities in that connection? What regulations were applicable to films recorded on video cassette, and were they observed?

18. Mrs. KARP wondered whether further measures, including punitive measures, should not be taken to discourage parents from committing acts of negligence, and whether human rights teaching should not be made a compulsory and permanent part of school education. It was her understanding that proceedings instigated for violation of human rights were not always successful and did not necessarily lead to compensation.

19. Mr. WINGFIELD (United Kingdom) stated that the Broadcasting Authority was responsible for monitoring the media, including cable and satellite television channels. It could receive complaints, draw up standards governing the broadcasting of programmes for children and make recommendations on programmes for adults. It could also impose penalties, including suspension and withdrawal of licences. Video recordings were also subject to the classification system for films.

20. The British authorities did not consider it desirable for children that criminal penalties should be imposed on parents who left them unattended. As stated in paragraphs 349 and 350 of the report (CRC/C/11/Add.9), all aspects of human rights were taught in schools. He stated that it was possible directly to obtain compensation for violation of human rights by instigating proceedings under the Hong Kong Bill of Rights.

21. The CHAIRPERSON invited the members of the Committee to ask questions regarding the sections dealing with the family environment and alternative care, together with health and welfare.

22. Mr. MOMBESHORA remarked that there had been no decline in domestic violence since 1987 when the corresponding Ordinance had been adopted, and asked whether measures had been taken to ensure compliance with the Ordinance, and whether there was a social service responsible for visiting the homes involved and providing counselling. He also requested further information on problems in enforcing maintenance orders.

23. In connection with health care, he asked whether the situation was satisfactory for all regions and all social brackets, and whether vaccination figures, for instance, reflected an overall average or whether disparities existed between regions and social brackets. He also inquired about the role of traditional Chinese medicine, whether studies had been conducted to identify the reasons underlying suicides by school pupils, whether working mothers were given the necessary time to breast-feed their infants, and how long breast-feeding generally lasted. He also asked how many children had lung cancer as a result of pollution, and requested information on the general level of atmospheric pollution in Hong Kong.

24. Mrs. EUFEMIO asked whether social programmes provided genuine assistance for all disadvantaged parents and children. She also wished to know whether the Family Life Education Programme, intended for married couples or couples about to marry, sought to change attitudes, and included monitoring, and whether it contributed to preventing maltreatment and negligence. Did any indicators exist and, if not, were any planned? She further inquired why there were so many cases of incest in Hong Kong. What was the exact figure, and what measures could be taken to prevent sexual abuse?

25. She inquired as to the usual age of marriage, the proportion of young marriages and the reasons for which parents might withhold consent to their child's marriage. She asked, in addition, what measures had been taken to prevent the breakdown of the tradition of the extended family, and whether newly constructed housing contributed to a change in such customs.

26. On the subject of social services for families, she requested information on requisite qualifications for persons responsible for monitoring families experiencing difficulties. Given that objectivity was the prime factor in the quality of their intervention, she asked what measures were taken to ensure impartiality towards the persons involved. She also asked whether any community services offering psychological assistance were available to complement the social services which could not, after all, deal with everything. Noting from the report that the number of single-parent families was increasing, she suggested that lone parents were more likely to take out their distress on their children. Thus, she welcomed the fact that home-help services were offered to unmarried fathers, and asked whether any measures were being planned to provide a mother figure, which was particularly important for girl children. She further inquired as to the nature of such home-help services - housekeeping, child care, etc. - and whether the Government monitored the performance of social workers. She also asked whether the child-care services catered for children's social development, in particular making them aware of their rights.

27. On the subject of family reunification, she noted that the Government did not necessarily take action when a family left Hong Kong to go abroad, preferring to leave to the host State the responsibility for measures to help children adapt to their new environment. She considered, however, that collaboration should exist between the two countries, as in the case of adoption.

28. Mr. WINGFIELD (United Kingdom) stated that cases of domestic violence were the province of the 65 family assistance centres administered by the Social Welfare Department, and of non-governmental organizations (NGOs), together with the social services of hospitals and clinics. Such assistance ranged from counselling services to financial support, and included housing assistance, child care and also legal aid, thus ensuring that all aspects of the situation were taken into consideration. In April 1995, the Social Welfare Department had strengthened coordination of its multidisciplinary approach by establishing an interdepartmental working group composed of representatives of Governments and NGOs, responsible for matters relating to public awareness-raising and formulation of measures to assist battered women and their children. Such activities had led to publication in March 1996 of detailed directives which were circulated to professionals and organizations with responsibilities in that area. Such measures were necessary, since the number of cases of violence to be dealt with was increasing - up from 196 in 1993 to 250 in 1995. With regard to maintenance orders, the Government was to submit a Bill in 1997 seeking to facilitate enforcement of such orders and to provide, in particular, for the possibility of effecting attachment of earnings.

29. In reply to Mrs. Eufemio's questions, he said that family life education was an important aspect of life in Hong Kong. The system had been introduced

in 1979, and had subsequently been evaluated in 1994 by the Social Welfare Department, in collaboration with NGOs. Several recommendations had emerged from that exercise, seeking in particular to broaden the target groups to include married couples and to strengthen educational programmes intended for couples expecting a child, and for young couples. The Government was planning a further evaluation to monitor implementation of those recommendations, which might be undertaken in collaboration with the Committee. He considered it might be difficult to ascertain the reasons for which parents withheld consent to a child's marriage, since they were generally personal, unless a case was brought before a court. He stated that the Government was well aware of the question of the impact of urban development on the extended family. It was for that reason that the Government was making every effort to offer all the mentioned assistance services to nuclear families living in the urban environment. On the question of social education imparted in nurseries, he suggested that the children involved were too young to understand such ideas. Finally, he maintained that it was the responsibility of parents, and not of the Government, to ensure that children adapted successfully to their new environment when they settled abroad.

30. Mr. HAMMARBERG asked whether the rules governing visits could be made more flexible for children who wished to spend time with their parents under detention. He requested more detailed information on methods used to assess the effectiveness of the home-help services. Regarding prevention of maltreatment of children, he drew attention to the exemplary nature of certain aspects of measures applied in Hong Kong. He did, however, consider that the corresponding data could be improved, particularly in order to ascertain the real influence of the working group that had been set up to study the matter, and also to identify the profile of perpetrators of such violence. He wished to know whether the seriousness of psychological maltreatment was given due weight, and whether the Government's efforts were sufficient to ensure respect for the child's inviolability. He further considered that training of professionals working with children could doubtless be improved. None the less, he welcomed the Government's steps to train teachers and medical staff to identify and report cases of maltreatment. The code of ethics in force in some countries forbade doctors to divulge such information. However, in the spirit of the Convention, the doctor should, on the contrary, be required to speak out. Returning to the matter of the influence of the media on children, he said the monitoring system applied in Hong Kong appeared satisfactory, but he wondered whether an assessment had been made to ascertain its effectiveness in practice.

31. Mr. MOMBESHORA requested more specific information on the results of the Ordinance to facilitate access of disabled children to education and training to allow them to become integrated in society. In connection with breast-feeding, he asked how many baby-friendly hospitals there were in Hong Kong and why the Government continued to authorize private companies to distribute milk products free of charge in maternity hospitals.

32. Mrs. KARP, returning to the matter of domestic violence, asked whether research had been conducted to establish the relationship between corporal punishment and its possible physical and psychological repercussions for children. She was particularly interested to know to what extent the Government's action was accepted in a society which considered the family to

be a strictly private matter. Were private individuals, and particularly neighbours, prepared spontaneously to help the authorities to combat the problem, or did they prefer to remain aloof? Might it be feasible to introduce an obligation to report such cases of abuse?

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

33. Mrs. Eufemio took the Chair.

34. Mr. WINGFIELD (United Kingdom) stated that the prison regulations authorized one visit per week, but provided also for waivers. He saw no reason why a child should not be able to spend additional time with a parent in detention. He explained that home-help services were regularly evaluated, most recently in 1994.

35. He said that measures to assist children suffering maltreatment were the province of the Working Group created for that purpose in 1983. The Working Group was made up of members of the Attorney-General's services, the police, the Social Welfare Department and several NGOs. It had gathered extensive statistics, on the basis of which a classification of different types of maltreatment had been drawn up. The statistics related specifically to gender, age and family relationship of perpetrators and victims, together with the profession of the former. Such information was gathered on a regular basis and demonstrated that cases of psychological violence were not the most frequent (24 cases out of 604). One third of such cases were reported by social workers, 20 per cent by teachers and 6 per cent by doctors.

36. In 1994, the Working Group had established a Sub-Committee with the task of drawing up strategies to promote education. A number of information campaigns had been launched in 1995 to teach children how to protect themselves, and to sensitize parents to the risks to which their children were exposed. The activities of the Children's Protection Service operated by the Social Welfare Department were directed towards that end. In addition, the number of social workers had increased between 1994 and 1996, with the result that each professional now dealt with an average of 30, instead of 44, cases. Twenty-five additional psychologists had recently been added to the staff of the Psychological and Clinical Evaluation Service which assisted children experiencing difficulties.

37. Every two or three years, the competent authorities assessed television programmes through public opinion surveys which had, to date, revealed that the population was on the whole satisfied with programmes and did not consider that they were offensive for children.

38. The Department of Health and Health Services encouraged breast-feeding, particularly in public hospitals, with positive results over the last two years. However, the Government did not consider that it could ban free distribution of powdered milk, because it is up to parents to opt for that form of feeding if they saw fit.

39. Hong Kong had 68 schools for disabled children, but the public authorities made every effort to integrate such children in the ordinary school system.

40. Mr. HAMMARBERG said that statistics could not accurately reflect the frequency of cases of psychological maltreatment. Moreover, he was of the opinion that, although the workload of social workers had decreased over the last two years, it continued to be very heavy. He would welcome information on the results achieved by the mutual help groups and on the public initiatives to establish creches, with a view to assisting parents to discharge their family and professional obligations.

41. Miss MASON asked whether studies had been conducted on adolescent health and on the reasons why so many adolescents committed suicide. To what extent did the excessively demanding secondary education programmes contribute to that phenomenon? Finally, had the public authorities been able to ascertain why adolescent girls were the most prone to commit suicide?

42. She also requested clarification on the position of vocational training in the educational system, bearing in mind that Hong Kong was essentially business-oriented. Was vocational training considered to be a last resort for children who did not have the ability to pursue traditional studies and were sufficient resources allocated to such training under the education budget?

43. Lastly, she wished to know more about the status of teachers in Hong Kong, and asked whether the prospect of the political transition in July 1997 was affecting the profession.

44. Mr. KOLOSOV inquired whether children in Hong Kong were informed about the way of life and current affairs in China, through television or the press. Children should be psychologically prepared for the fact that, in under a year, Hong Kong would be part of China.

45. Mrs. KARP asked whether teaching of human rights and of the rights embodied in the Convention was part of the curriculum, in State and private schools, or whether that was undertaken as a result of specific initiatives by the Government. Were steps taken to ensure that disabled children were placed in schools able to cater for their needs, in endeavours to integrate them in the ordinary school system?

46. Mr. HAMMARBERG stressed that it was difficult to reconcile quality and quantity in education. A specific education appeared to be necessary for children, particularly disabled children, who had special needs. In contemporary society, the educational system should be sufficiently flexible to respond to such special needs. It was inadvisable to place excessive emphasis on a type of teaching that focused primarily on accumulation of knowledge, prompting fierce competition and leading to an excessive burden of work on children, with the result that failure to pass school examinations became a tragedy. What measures were taken to foster a more human atmosphere in the school system and to allow children to develop at their own pace? In addition, what policies were pursued to allow children to exercise their right to play in a large city where space was limited?

47. Mr. WINGFIELD (United Kingdom) agreed with Mr. Hammarberg that the nature of psychological maltreatment made evaluation by surveys difficult. He

did not have any statistical data on mutual help groups, but said that every effort was made to establish such groups and that care was taken to ensure that they were appropriately monitored, with the result that in the future it would be possible to gather more data regarding their activities.

48. Although several organizations had established creches in Hong Kong, lack of space was clearly an obstacle and the public authorities needed to step up their endeavours in that direction. He would provide further information on the causes of adolescent suicide at a subsequent meeting. He added that he had no information on the phenomenon of incest in Hong Kong.

The meeting rose at 5.55 p.m.

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SUMMARY RECORD OF THE 331st MEETING

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Initial report of United Kingdom Dependent Territories: Hong Kong
(continued)

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of United Kingdom Dependent Territories: Hong Kong (CRC/C/11/Add.9 and Corr.1 (English only); HRI/CORE/1/Add.62; CRC/C/Q/UK(HK).1) (continued)

1. At the invitation of the Chairperson, Mr. Wingfield, Mr. Fifoot, Mr. Ng Hon-wah, Mr. Deane, Mr. Leung, Ms. Pun, Ms. Hui, Ms. Ip, Sir John Ramsden, Ms. Foulds, Mr. Wells and Mr. Booth (United Kingdom) resumed their places at the Committee table.

2. Mr. WINGFIELD (United Kingdom), referring to statistics on the disposal without conviction of the cases of defendants aged 7 to 10 years between 1992 and 1995, said that, once a juvenile appeared before the Juvenile Court in Hong Kong, the Court was entitled to consider whether he was in need of care and protection, which could include supervision or the issuing of an order vesting guardianship in the Director of Social Welfare.

3. Noting that paragraph 447 of the report contained sexual abuse statistics, he said that, out of the 77 cases of child abuse in 1994, 16 had been recorded as incest cases. The corresponding figures for 1995 provided by the Child Protection Registry indicated that, out of 576 cases of child abuse, 116 had been cases of sexual abuse, including 21 cases of incest.

4. There had been 14 cases of adolescent suicide in 1994 and 18 in 1995, with a preponderance of female victims. Since 1992, all cases of suspected student suicide had been investigated. A non-governmental organization had been commissioned by the Working Group on Services to Youth at Risk to develop a screening tool to be used in schools for the identification of children at risk and early intervention. The reason for suicide among children was a matter for speculation, but family-related factors were cited most often.

5. Concern about the effectiveness of traditional Chinese medicine had been expressed and a working party reviewing the matter had recommended the establishment of a regulatory body. The Preparatory Committee on Chinese Medicine was currently studying the recommendation in order to advise the Hong Kong Government on its implementation.

6. "Home helpers" were recruited locally and employed by NGOs. In order to qualify for such a position, a person had to be at least 21 years old, able to read and write basic Chinese and have gone beyond the primary level of school. Home helpers' salaries compared favourably with those for other types of manual work and amounted to between 8,000 and 10,000 Hong Kong dollars per month.

7. The teaching profession was well respected in Hong Kong and posts were keenly sought after. The Government's objective of increasing the number of graduates in the teaching profession had not yet been achieved, but the salary scale for new entrants to the profession was attractive, as it stood between 19,000 and 41,000 Hong Kong dollars per month.

8. The Education Department had been working with teaching institutes and educational bodies in preparation for the change-over to Chinese rule in 1997. Special subjects on China had been added to the syllabuses of trainee teachers to increase their knowledge of China. Appendix 9 of the report listed the content of secondary school syllabuses with human rights elements and showed the number of class periods allotted to each subject.

9. In Hong Kong, as in many other societies, technical and vocational training was regarded as a second option, after academic studies. The Government budget for technical and vocational training for 1996 was 1,620 million Hong Kong dollars, representing 4.7 per cent of total expenditure on education.

10. The prohibition on corporal punishment was applicable both in private and in public schools.

11. The Government's objective of educating disabled children in ordinary schools had not yet been achieved. While steps had been taken to increase the degree of integration of disabled children on the basis of the recommendations contained in the 1995 White Paper, there was still a great deal to be done. His delegation looked forward to the Committee's observations and recommendations on that question.

12. The Hong Kong Government was committed to the total development of the child. Paragraphs 356 to 370 of the report described the various Government programmes relating to the arts and the cultural heritage, as well as the sports and recreational facilities offered. The Education Department had introduced sports into the school curriculum in order to encourage children to participate in non-academic pursuits. Since Hong Kong parents set particular store by the value of academic education, a balance had to be maintained to ensure that children had a well-rounded experience.

13. Mrs. KARP asked whether the Government funded psychological counselling programmes outside schools and, if not, whether it financed NGOs offering those services. She would also like further details on sex education schools.

14. Mrs. BADRAN expressed concern about the incidence of suicide among adolescents, particularly in view of the fact that tremendous pressure was placed on students to excel in school. Perhaps the role of professionals working in schools, such as social workers and guidance counsellors, should be reviewed and their activities should be coordinated more closely.

15. Referring to the drop-out rate at the secondary level, she asked whether persons who had dropped out of school could find jobs and whether the system was open enough to allow drop-outs to continue their education in the mainstream at a later stage. She also wished to know whether a vocational training component was included in the junior secondary school curriculum to prepare students for jobs if they were unable to complete their education.

16. She asked about the length of the school day at the primary and secondary levels and whether students participated in environmental projects and what types of projects were arranged by schools.

17. Mr. HAMMARBERG said that the policy of the Hong Kong Government on the age of criminal responsibility was not entirely in keeping with articles 37 and 40 of the Convention. He recommended that that policy should be reviewed so that the detention of young children could be avoided and pointed out that the low age limit in Hong Kong was not common practice in the majority of the States parties to the Convention.

18. The integration of disabled children into ordinary schools was a difficult task which required large financial investments to adapt the physical aspects of schools, teaching equipment and teaching methods. It was important for disabled children to receive the assistance they required at an early age and, at the same time, beneficial for other children to associate with disabled children in order to gain an understanding of their needs and potential.

19. There was far too much competition in the lives of school children in Hong Kong and he cautioned that sports also involved an element of competition. He urged the Government to adopt a comprehensive approach in order to alleviate the atmosphere in schools.

20. Mrs. EUFEMIO said that, since 20 to 50 per cent of child abuse cases involved incest, she would like to know why incest had not been included in the definition of offences classified as sexual abuse. She also asked whether there were structural causes for the occurrence of incest in Hong Kong. Following a High Court trial of incest on 31 May 1996, remedial emergency legislation should have been adopted, but it had been suspended and she wished to know why.

21. Mr. WINGFIELD (United Kingdom), replying to the question about adolescent suicide and the availability of counselling services, said that a number of such services were available, provided either by the Government or by NGOs. NGOs in Hong Kong were largely subsidized by the Government, so there was also a Government contribution to the services those organizations provided. The Central Health Education Unit participated in the development of the curriculum for sex education in schools. The Student Health Service, established in 1995, provided information about self-care, individual responsibility and reproductive health.

22. In response to Mrs. Badran, he said that it was difficult to identify the precise reasons for suicide among adolescents. An analysis was being carried out, covering suicides between 1992 and 1995, and the major problems that seemed to be coming to the fore were poor family relationships and personal problems. Those accounted for most of the 48 cases. School and learning problems had been identified as major problems only in 6 cases, although they had probably constituted significant secondary problems in 10 cases. One difficulty was that the actual trigger for the suicide could be entirely different from the major and secondary problems behind it. The fact that so many suicide attempts in Hong Kong were successful was probably due to the method most often chosen: jumping off high buildings. As far as the role of social workers and teachers was concerned, the whole objective of the programme developed to identify children at risk of suicide was to involve teachers, in early identification especially, and to deal with the problem on a team basis.

23. The number of students dropping out of secondary school had declined from 2,275 in 1993 to 1,773 in 1995. Identifying the reasons for dropping out was one of the Education Department's major concerns and efforts were being made to provide counselling in order to prevent it. Children attending the Vocational Training Centre were not precluded, once they had completed their courses, from returning to the academic system at a higher level. As to hours of schooling, he said that primary schooling was on a half-day basis, with children attending either morning or afternoon sessions totalling about 5 hours a day. The school day in secondary schools was about 7 hours long.

24. Turning to the points made by Mr. Hammarberg, he said that in the statistics to which he had referred, there had been only two cases of detention orders for young offenders. Those orders were, of course, for detention in a children's home and to that extent differed very little from the disposal without conviction of the cases of children taken into care in care and protection cases. As the statistics showed, detention orders at that early age were not usual. The integration of disabled children into the ordinary educational system was one of the Education Department's prime objectives. The question of access to school premises by disabled pupils would be covered by the Disability Discrimination Ordinance and schools would be required to provide the necessary facilities. The point that integration benefited disabled children and others mutually was fully accepted by the Director of Education himself.

25. Mrs. EUFEMIO had asked whether the statistics for sex abuse also covered incest. The figures for incest had been included previously in sex abuse generally, but separate figures had now been extracted. The reasons for incest depended of course on a case-by-case analysis, but it was possible that the amount of overcrowding in Hong Kong was a factor in its incidence. The High Court case she had referred to was not in fact a case in which proceedings had been discontinued because the law did not provide for the offence. The reason was that special measures had been introduced to allow victims in alleged cases of sex abuse to give their evidence by video link. Unfortunately, because of a drafting error, the relevant legislation had not included the offence of incest, which appeared in a different part of the Crimes Ordinance. The error had been spotted very soon after the legislation had been enacted and steps had been taken to remedy it. A bill had, in fact, been in course of preparation by the time the case had come before the court. Unfortunately, the barrister in the case had not appreciated that incest was not included in the provisions allowing evidence to be taken by video link, and the case had gone ahead in that way. When it had been understood that incest was not included, the case had had to come to a halt. The legislation had now been enacted and he believed that the case had been restarted. The Government had accepted full responsibility for the error and made a public apology.

26. With regard to the question about environmental education, he drew attention to paragraph 354 of the report. He assured the Committee that the question was taken very seriously.

27. Mrs. KARP asked whether the clinics or services which provided counselling to adolescents at risk of suicide were publicized and whether there had been any evaluation of the number of clinics, or the number of NGOs,

providing such services, as an indicator of a firm policy of trying to cope with that very difficult problem. She also asked whether sex education was obligatory as part of the school curriculum or whether the decision to provide it rested with the school. Also, was human rights education and education regarding the Convention compulsory and a regular part of the curriculum or was it up to the school to choose ways and means of promoting such education?

28. Mr. HAMMARBERG said that he was glad to hear of the efforts being made to allow for the inclusive education of children with disabilities. In that connection, however, not only was it necessary for resources to be made available, but teachers needed to be given clear advice on how to handle such cases. In moving from a policy of specialized institutions to inclusion in the ordinary school system, it was important to ensure that the system received clear instructions from the political authorities.

29. The question of homework needed to be added to the discussion of school hours. The impression given by the documentation received by the Committee was that it constituted a real problem. A heavy load of homework could add greatly to the burden on children. He asked whether the education authorities gave the schools any guidelines in that regard. It was also not clear whether there was any policy to encourage children to take part in designing the curriculum, as well as discussing disciplinary arrangements and the general running of the school. That was an important factor in making schools more humane.

30. Mr. KOLOSOV said that he had asked a question about familiarizing children in Hong Kong with the culture of the mainland. Were they able to watch Chinese television and read Chinese newspapers and magazines, for example? In his opinion, it was very important that Hong Kong children should be informed of the realities of mainland China so that they would be mentally and psychologically prepared for what they would shortly meet in real life.

31. Mrs. EUFEMIO, reverting to the issue of suicide, said that there were indications that the counselling services provided in schools were underutilized because of the stigma attached to approaching them. What steps could be taken to enhance the use of those valuable services?

32. Mrs. BADRAN said she was glad to hear that the problem of adolescent suicide was being analysed with a view to understanding the reasons leading to it and the family background, possibly membership in a minority, of the students concerned.

33. Since Hong Kong had both public and private schools, she would like to know how the two systems compared with each other. Were the facilities described as available in public schools, such as extracurricular activities, the assistance of social workers and so on, equally available in private schools? She also asked whether there were parent-teacher associations in Hong Kong.

34. Mr. WINGFIELD (United Kingdom) said that the counselling services in schools and elsewhere were well publicized: the difficulty lay in identifying those children who needed to benefit from them. In addition to the services described, there was a confidential Hot Line that children could call which

gave them the opportunity to seek assistance anonymously. They might then be advised to seek assistance from their own schools, but, unless children showed signs of distress, it was difficult to know when social work or psychological counselling was required. Sex education was not a mandatory part of the curriculum, but the Education Department encouraged its inclusion and provided the support he had already described. In reply to the question whether human rights formed a regular part of the curriculum, he said that education about the Convention on the Rights of the Child and other human rights issues was included in the curriculum, as part of education in the rights and responsibilities of citizens and the rights and responsibilities of individuals. International human rights instruments applying to Hong Kong, and Hong Kong's own Bill of Rights, were studied in the schools. As to whether teachers received guidance on the integration of children with disabilities, he said that it was Education Department policy to promulgate such advice to teachers. He noted that the whole atmosphere in Hong Kong with regard to disabled persons had undergone a marked improvement in recent years, helped by the inclusion of disabled children in the ordinary school system. The recent enactment of legislation prohibiting discrimination against disabled persons would further enhance that improvement.

35. In reply to Mr. Kolosov, he said that the Education Department provided education to teachers in that regard and teachers were expected to include matters relating to mainland China in their teaching. Conditions in China and the forthcoming changes in the political structure in Hong Kong, for example, were taught in relation to modern history. As far as information outside school was concerned, there was no direct television broadcast from China into Hong Kong, but newspapers and magazines were available for purchase.

36. With regard to the quality of private schools, he said that, as indicated in paragraph 326 of the report, all schools had to be registered and must accordingly satisfy the Director of Education that certain minimum standards were being met. Private and non-governmental schools in Hong Kong included those for the local community and also a number of international schools, which catered largely for expatriate children and had their own curricula and differing emphases, according to the predominant nationality of their pupils. Parent/teacher associations were almost universal in Hong Kong schools and very active.

37. Referring to homework, he said that the Education Department was acutely conscious of the need not to overburden children and therefore recommended that schools should not assign excessive homework. One problem was that parents themselves often made arrangements for additional tuition for their children. The pressure by parents for successful academic performance was very strong.

38. As far as school social work services were concerned, his understanding was that it was by no means uncommon for children themselves to approach school social workers for assistance. Most of the children identified as having problems had come forward on their own account. He did not think there was any stigma of the sort likely to lead to a reluctance to seek help.

39. The CHAIRPERSON invited the Committee to ask questions on the section of the list of issues entitled "Special protection measures".

40. Mr. HAMMARBERG noted that a fairly large group of Vietnamese refugees still remained in Hong Kong. The policy of detaining such refugees had been in force for some seven to eight years, and that meant that many of the children among them had not experienced any other situation than detention. It was a matter for regret that neither Hong Kong nor the international community had succeeded in providing those children with the right environment for a good upbringing. The Convention's concern for the best interests of the child required that Governments should actively avoid situations in which refugee children were made victims of policies designed to discourage a further influx of refugees. What measures were taken to give such children psychological help, opportunities for recreation and access to art and music?

41. He understood that there were some problems relating to the education of Chinese-speaking Vietnamese children. What was the current position? Another problem was that of split families: it appeared that mothers in such families who lived in mainland China had great difficulty in coming to Hong Kong to visit their children, so that such children were often deprived of contact with their mothers for long periods of time. What was being done to remedy that situation? He would also like more clarification on the question of children held in custody in cases of illegal immigration.

42. Miss MASON said she too wished to raise the question of the detention of juveniles who were to be used as prosecution witnesses in such cases. Was the Government considering repealing that provision of the Immigration Ordinance in the light of articles 2 and 37 of the Convention?

43. Mrs. EUFEMIO said that it was well known that school children of linguistic or other minorities often suffered from bullying by their more aggressive classmates. Bullying was harmful for both aggressor and victim, since the aggressor often continued his behaviour into adulthood, while the victim might drop out of school or even commit suicide. Were any steps being taken to prevent it occurring?

44. Mr. WINGFIELD (United Kingdom) said he agreed that children in detention centres should be given the same services as those that were available to children generally. Recreational activities, including art and music, were organized in the centres by NGOs designated by UNHCR. NGOs also provided counselling services, which were supplemented by welfare officers from the Correctional Services Department. Any cases of children with psychological or psychiatric problems would be followed up by professionals in those fields. Although the language used for teaching in the detention centres was exclusively Vietnamese, that had not proved to be a problem for ethnic Chinese children.

45. The problem of families split between Hong Kong and China was a long-standing one: it was estimated that some 60,000 children currently in China would have the right of abode in Hong Kong on 1 July 1997. In anticipation of that situation, the Government had arranged with the Chinese Government to increase the quota of daily one-way entry permits from 105 to 150, 30 of which were to be allocated to children.

46. Illegal immigration into Hong Kong was almost exclusively from China and the policy of the Chinese Government was for illegal immigrants to be returned to China as quickly as possible. There was therefore not enough time for such children to be released into the community. However, it was now the policy that children entering the Territory who would have a right of abode there after 1 July 1997 would not be returned to China, but would be treated in every way as normal residents, with the right, for instance, to public education.

47. In reply to the question by Miss Mason, it was not the Government's intention to repeal the provision of the Immigration Ordinance permitting detention of an illegal immigrant who was required to give evidence. However, as a matter of administrative discretion, it had now been decided that any child required to give evidence would be released on recognizance. The number of such cases involving children was small.

48. On the question of minorities, a large number of people in Hong Kong were not of Chinese origin, but were expatriates from all over the world; in general, they tended to be educated in their own language. The situation of minorities in Hong Kong had not come to the Government's attention as giving cause for concern.

49. Mr. HAMMARBERG, referring to quotas, said that the purpose of his question had been to find out to what extent the Government took account of the need for children to be with both their parents. The waiting time before separated children could make contact with their parents was often very long and he believed it should be reduced as much as possible in the best interests of the child. An increase in the quota from 105 to 150 might not be sufficient to reduce that waiting time.

50. Mr. WINGFIELD (United Kingdom) said that the quota he had referred to usually included mothers who were joining their families in Hong Kong. One of the difficulties was that the permits were usually issued by the Chinese Government, so that the matter was usually regulated by arrangement between the Hong Kong and Chinese authorities, although the Government endeavoured to monitor the situation to ensure that permits were properly allocated. He agreed that it was undesirable to separate families for long periods, but the numbers involved were considerable and to allow unrestricted access for all children would create severe problems.

51. Mrs. KARP said that she was not clear why Hong Kong did not repeal the provision of the Immigration Ordinance relating to the detention of witnesses if it was not being applied. Where any policy of detention existed, there was a danger that it might be applied differently by different officials, and that might lead to discrimination.

52. Mr. WINGFIELD (United Kingdom) said that the provision could not be repealed because the power of detention had to exist in order to enable release on recognizance to be exercised.

53. The CHAIRPERSON invited the members of the Committee to submit their concluding observations on the statements made by the delegation.

54. Mr. HAMMARBERG said that the Committee had appreciated the very factual replies given by the delegation and its generous approach to the questions raised. It had found the report very informative, but somewhat lacking in any analysis of problems or indications of future plans; it consisted largely of descriptions of existing laws and mechanisms.

55. The Committee would assume that, from 1 July 1997, the Convention would continue to be applicable to the Territory of Hong Kong and that Hong Kong would continue in future to submit separate reports on the Convention's implementation under the "one country, two systems" arrangement. However, he would be glad if the existing Hong Kong authorities could provide written replies to the recommendations the Committee would be drafting at the current session before 1 July 1997.

56. The situation with regard to reservations was that China had only one reservation, which related to article 6 of the Convention, whereas the Hong Kong Government had several. He understood that that problem was to be discussed in the Joint Liaison Group, but emphasized that, from the Committee's viewpoint, the aim of any such discussion should be to reach agreement on the withdrawal of all reservations. He appreciated that Hong Kong was following a "safety first" approach by entering reservations where its existing practice did not comply with the Convention, but he believed that any such lack of compliance should be a signal for a thorough review. That went for Hong Kong's reservations to provisions relating to refugees, detention and working hours.

57. A full review of all the implications of article 4 of the Convention might be a very useful exercise and it would be desirable if it could lead to a policy statement on how priority could best be given to protecting the interests of children. The review would involve an analysis of Hong Kong's administrative structure to see whether there was enough coordination between the various programmes for children and to ensure that policies for them were given political support at the highest level.

58. There might be a need to improve the level of independent monitoring so as to ensure, for instance, that issues concerning children could be discussed in the media. The relationship between the Government and NGOs in the field of the rights of the child might also be made more constructive and there should be an "open door" approach on the part of the authorities. A global review of the relationship between the Convention and Hong Kong's existing legislation on children was also recommended.

59. The recommended review of administrative structures should also pay attention to the implications of article 3 of the Convention, which focused on the best interests of children as a group, a central concept in protecting children and promoting their rights. Although some present and projected legislation already embodied that concept, it ought to permeate the whole body of law affecting children. The principles it embodied should also be taken into account in political decisions and in the whole approach to children in society at large.

60. Other individual points that had been discussed included the age of criminal responsibility, the status of children in relation to abode when one parent was not a Hong Kong citizen, and child abuse and neglect. In education, the importance of measures to make the school situation more humane for children and less over-competitive had been emphasized, as had the need not only to make human rights an essential component of the curriculum, but also to ensure that the life of the school itself was an illustration of the spirit of child rights and human rights. The article relating to the right to play was also of importance in that context. The question of refugees had been raised as well.

61. All of those points would be borne in mind by the Committee in drafting the written conclusions and recommendations that would be submitted to the United Kingdom Government.

62. Mrs. KARP said she endorsed the view that the approach to children's affairs should be integrated, not compartmentalized. It should be remembered that the Convention's attitude to the rights of the child was holistic. Legislation should thus not deal with the rights of the child piecemeal, but as a whole. She welcomed the delegation's intention to review the effectiveness of education on the Convention and on human rights in general. She continued to recommend the establishment of an independent body to examine complaints against the police.

63. Mr. MOMBESHORA said it had not been very evident in the discussion whether the people of Hong Kong had participated to any significant extent in the compilation of the report. The preparation of effective programmes was very dependent on such participation, since success was more likely if people understood what the purpose was. He expected that the coming transfer of sovereignty would have a considerable impact on children in the educational and cultural spheres. If attention were not paid to smoothing that process, it could add to the stresses children could suffer. The Committee had already expressed concern at the high rate of suicide.

64. In the health field, which was his own particular area of interest, he would suggest that further efforts should be made to ascertain the numbers and distribution of the disabled throughout the Territory and that programmes should be prepared for all sectors and districts to ensure the full integration of the disabled into normal life. The issue of free milk powder appeared in conflict with WHO principles on the promotion of breast-feeding and the International Code of Practice on the Marketing of Breast-Milk Substitutes. Mothers could go back to work six weeks after giving birth, which was not a time when breast-feeding ought to be discontinued. Hong Kong did not appear to have any programmes providing women returning to work after childbirth with time to breast-feed their infant, as was generally the case in countries promoting breast-feeding.

65. Mrs. EUFEMIO said her first recommendation was that the analysis of the situation of children should be updated in terms of present compliance with all provisions of the Convention, following the model of the reporting guidelines in which various areas of concern were grouped together. That should lead to the preparation of a plan of action to operate until the end of the next reporting period. Attention should perhaps be given to research on

the dynamics of the single parent and the extended family and further analysis made of indicators and statistics and other measures to measure compliance with the provisions of the Convention.

66. Mr. KOLOSOV said that the position of Hong Kong was unusual because it involved a period of transition for children resulting from a succession of States rather than economic or political changes. It was therefore appropriate for the Committee to request the Government of the United Kingdom in some way, perhaps through the Joint Liaison Group, to channel the Committee's concluding observations and recommendations to the future sovereign power, which would be responsible for the major part of the next reporting period. However, as much as possible should be done by the present administration to implement the Committee's suggestions in the time remaining before the transfer of power and report to the Committee before 1 July 1997 on the progress made. In view of the psychological effect on the children of Hong Kong of exposure to new cultural values and historical references in the transition period, he recommended that teachers should, in addition to informing children of their new status and citizenship, prepare them morally and psychologically for the changes to come.

67. Miss MASON said that the incipient transfer in sovereignty made it difficult to formulate recommendations for the present administration. A great deal hinged upon the current Sino-British discussions and the political commitment and will of parties concerned. She stressed that the Committee's principal concern was to work for the improvement of the situation of children. The interests of children were often overlooked when other matters appeared more pressing. Children should also be allowed to participate in all policies and programmes initiated on their behalf. One reason why the Committee wished to encourage public debate was to ensure dissemination of knowledge of the rights of the child, for, without such awareness, they could not be respected. It was hoped that the youth policies adopted by the Commission on Youth would receive adequate financial support. A further wish was that the authorities would reconsider their refusal to set up an independent body to monitor children's rights.

68. The CHAIRPERSON expressed the thanks of all members of the Committee for the willingness with which the delegation had participated in the dialogue and for the efforts its members had made to reply to all questions. It was hoped that the suggestions and recommendations that the Committee would be submitting in writing to the United Kingdom Government would also be taken into account by the new sovereign power after 1 July 1997. Many positive aspects had been noted during the discussion and the Committee hoped that the situation of children in Hong Kong would be further improved in future, particularly in the areas to which it had drawn attention. It encouraged law reform in a global framework, taking into account the provisions of the Convention as a whole.

69. Mr. FIFOOT (United Kingdom) said that, although there would probably continue to be some differences of detail in the way the obligations under the Convention were viewed, his delegation appreciated the informative discussions it had had with the Committee. If the Committee maintained its request in its written recommendations that replies should be provided before 1 July 1997,

the United Kingdom would in principle be prepared to comply with such a request to the extent that the practicalities of the time-frame concerned permitted.

70. Mr. WINGFIELD (United Kingdom) said that his delegation had welcomed the comments made by the members of the Committee. The preparation of the report and the replies to the questions in the list of issues had been a salutary exercise for the Hong Kong Government. It realized, however, that the report presented only a picture of the situation at a specific time; since situations were dynamic, the analysis would have to be a continuing process. The observations made by the Committee would be taken into account in that continuing analysis. The Committee had perhaps found the initial analysis provided by the report insufficient, but that analysis had not in fact been intended as a final statement; it had enabled the administration to advise the United Kingdom that Hong Kong considered itself to be in a position to comply with the terms of the Convention subject to the reservations and clarifications stated. Hong Kong would make every effort to remedy any inconsistencies in its legislation and practice that were brought to its attention.

71. The question of the involvement of the people of Hong Kong in the preparation of the report implied a division between the Government and people of Hong Kong that did not exist in practice. The Government had in fact given opportunities in July 1995 to non-governmental organizations, Legislative Council members and other interested parties to express their views on the initial report before its publication. A press release had also invited comments from the public. The Government would continue to involve the public both directly and through non-governmental organizations and the Legislative Council in its further consideration of the observations of the Committee.

72. The CHAIRPERSON welcomed the delegation's assurance that the Government intended to update the analysis of the situation on a regular basis. Although the Committee could not insist on the establishment of an independent monitoring mechanism, it continued to urge the Government to reconsider the value of ongoing monitoring. Even where the need for such monitoring did not appear very evident, circumstances could always change; the preventive aspect of monitoring often provided a safeguard against the development of problems for children. The Committee noted that the United Kingdom Government would be prepared to respond favourably to a request for information on the progress of application of the Committee's recommendations up to 1 July 1997. She extended the Committee's best wishes to the children of Hong Kong.

The meeting rose at 12.50 p.m.